

1 AN ACT relating to reorganization.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. KRS CHAPTER 308 IS ESTABLISHED AND A NEW  
4 SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

5 *As used in this chapter, unless the context otherwise requires:*

6 *(1) "Board" means one (1) of the state administrative agencies listed in Section 3 of*  
7 *this Act;*

8 *(2) "Complaint" means any written allegation that alleges conduct by a licensee or*  
9 *other individual that might constitute a violation of this chapter, the chapter*  
10 *governing a board's profession or trade, or the administrative regulations*  
11 *promulgated under the governing chapter;*

12 *(3) "Department" means the Department of Professional Licensing within the*  
13 *Public Protection Cabinet;*

14 *(4) "Enabling act" means the statutory scheme containing the statutes establishing a*  
15 *board; and*

16 *(5) "Nominating group" means a nongovernmental trade or professional group or*  
17 *association entitled by statute to submit the name of a potential board member to*  
18 *the Governor.*

19 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
20 READ AS FOLLOWS:

21 *It is hereby declared to be the policy and intent of the Commonwealth to:*

22 *(1) Protect the public health, safety, and welfare through the reasonable regulation*  
23 *of occupations and professions;*

24 *(2) Prohibit an unlicensed person from practicing an occupation or profession that*  
25 *requires licensure from a board;*

26 *(3) Foster and encourage legitimate competition in all occupations and professions*  
27 *covered by this chapter;*

- 1 **(4) Eliminate unnecessary burdens to market entry;**  
2 **(5) Provide active state supervision of boards; and**  
3 **(6) Create administrative efficiencies by standardizing certain practices among the**  
4 **boards.**

5 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
6 READ AS FOLLOWS:

7 **Except as otherwise specifically stated, this chapter shall prevail over any enabling act**  
8 **and over other laws and administrative regulations that purport to govern a board.**

9 **This chapter shall apply to the following professional licensing boards:**

- 10 **(1) State Board of Accountancy;**  
11 **(2) Kentucky Board of Barbering;**  
12 **(3) Kentucky State Board of Chiropractic Examiners;**  
13 **(4) Kentucky Applied Behavior Analysis Licensing Board;**  
14 **(5) Kentucky Board of Licensed Professional Counselors;**  
15 **(6) Kentucky Board of Licensure for Pastoral Counselors;**  
16 **(7) Kentucky Board of Alcohol and Drug Counselors;**  
17 **(8) Kentucky Board of Interpreters for the Deaf and Hard of Hearing;**  
18 **(9) Kentucky Board of Licensure for Massage Therapy;**  
19 **(10) Kentucky Board of Prosthetics, Orthotics, and Pedorthics;**  
20 **(11) Kentucky Board of Dentistry;**  
21 **(12) Kentucky Board of Licensure and Certification for Dietitians and Nutritionists;**  
22 **(13) Board of Embalmers and Funeral Home Directors;**  
23 **(14) Kentucky Board of Architects;**  
24 **(15) Kentucky Board of Landscape Architects;**  
25 **(16) Kentucky Board of Examiners of Psychology;**  
26 **(17) Kentucky Board of Social Work;**  
27 **(18) Kentucky Board of Hairdressers and Cosmetologists;**

- 1 **(19) Kentucky Licensing Board for Specialists in Hearing Instruments;**
- 2 **(20) Kentucky Board of Licensure for Long-Term Care Administrators;**
- 3 **(21) State Board of Medical Licensure;**
- 4 **(22) Kentucky Board of Nursing;**
- 5 **(23) Kentucky Board of Ophthalmic Dispensers;**
- 6 **(24) Kentucky Board of Optometric Examiners;**
- 7 **(25) Kentucky Board of Licensure for Professional Art Therapists;**
- 8 **(26) Board of Occupational Therapy;**
- 9 **(27) Board of Respiratory Care;**
- 10 **(28) Kentucky Board of Licensure of Marriage and Family Therapists;**
- 11 **(29) Kentucky Board of Pharmacy;**
- 12 **(30) Board of Physical Therapy;**
- 13 **(31) State Board of Podiatry;**
- 14 **(32) State Board of Licensure for Professional Engineers and Land Surveyors;**
- 15 **(33) Board of Speech-Language Pathology and Audiology;**
- 16 **(34) Kentucky Board of Veterinary Examiners;**
- 17 **(35) Kentucky Board of Licensure for Private Investigators;**
- 18 **(36) Board of Registration for Professional Geologists;**
- 19 **(37) Kentucky Board of Licensed Diabetes Educators;**
- 20 **(38) Kentucky Board for Medical Imaging and Radiation Therapy;**
- 21 **(39) Kentucky Board of Durable Medical Equipment Suppliers;**
- 22 **(40) Kentucky Real Estate Commission;**
- 23 **(41) Real Estate Appraisers Board;**
- 24 **(42) Board of Auctioneers; and**
- 25 **(43) Kentucky Board of Home Inspectors.**

26       ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
27 READ AS FOLLOWS:

- 1 (1) Each board shall be organized within the department except as otherwise stated  
2 in an enabling act.
- 3 (2) The department shall provide administrative services, technical assistance,  
4 personnel staffing, and meeting space to the boards organized within the  
5 department. All of the boards shall maintain their individual identity.
- 6 (3) The department may charge each board a reasonable amount for services  
7 provided.
- 8 (4) Each board shall be organized within an authority for purposes of providing  
9 administrative services, technical assistance, and personnel staffing to carry out  
10 the duties and functions of the boards. These authorities shall be organized  
11 within the department as follows:
- 12 (a) Medical Licensure Authority:
- 13 1. State Board of Medical Licensure;
- 14 (b) Nursing Authority:
- 15 1. Kentucky Board of Nursing;
- 16 (c) Pharmacy Authority:
- 17 1. Kentucky Board of Pharmacy;
- 18 (d) Health and Restoration Authority:
- 19 1. Kentucky State Board of Chiropractic Examiners;
- 20 2. Kentucky Board of Dentistry;
- 21 3. Kentucky Board of Examiners of Psychology;
- 22 4. Kentucky Board of Social Work;
- 23 5. Kentucky Board of Optometric Examiners;
- 24 6. Board of Respiratory Care;
- 25 7. State Board of Podiatry;
- 26 8. Board of Physical Therapy; and
- 27 9. Kentucky Board for Medical Imaging and Radiation Therapy;

1        (e) Land Development Authority:

2            1. Kentucky Board of Architects;

3            2. Kentucky Board of Landscape Architects;

4            3. State Board of Licensure for Professional Engineers and Land  
5            Surveyors; and

6            4. Board of Registration for Professional Geologists;

7        (f) General Licensing Authority:

8            1. Kentucky Board of Barbering;

9            2. Kentucky Applied Behavior Analysis Licensing Board;

10           3. Kentucky Board of Licensed Professional Counselors;

11           4. Kentucky Board of Licensure for Pastoral Counselors;

12           5. Kentucky Board of Alcohol and Drug Counselors;

13           6. Kentucky Board of Interpreters for the Deaf and Hard of Hearing;

14           7. Kentucky Board of Licensure for Massage Therapy;

15           8. Kentucky Board of Prosthetics, Orthotics, and Pedorthics;

16           9. Kentucky Board of Licensure and Certification for Dietitians and  
17           Nutritionists;

18           10. Board of Embalmers and Funeral Home Directors;

19           11. Kentucky Board of Hairdressers and Cosmetologists;

20           12. Kentucky Licensing Board for Specialists in Hearing Instruments;

21           13. Kentucky Board of Licensure for Long-Term Care Administrators;

22           14. Kentucky Board of Ophthalmic Dispensers;

23           15. Kentucky Board of Licensure for Professional Art Therapists;

24           16. Board of Occupational Therapy;

25           17. Kentucky Board of Licensure of Marriage and Family Therapists;

26           18. Board of Speech-Language Pathology and Audiology;

27           19. Kentucky Board of Licensure for Private Investigators;

- 1           20. Kentucky Board of Licensed Diabetes Educators; and  
 2           21. Kentucky Board of Durable Medical Equipment Suppliers; and

3           (g) Real Estate Authority:

- 4           1. Kentucky Board of Home Inspectors;  
 5           2. Board of Auctioneers;  
 6           3. Real Estate Appraisers Board; and  
 7           4. Kentucky Real Estate Commission.

8           (5) Each authority shall be managed by an executive director, who shall be  
 9           appointed by the secretary of the Public Protection Cabinet with the approval of  
 10           the Governor in accordance with KRS 12.050.

11           ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
 12           READ AS FOLLOWS:

13           (1) The department shall review and evaluate each regulated occupation and board  
 14           at least once every five (5) years. The review and evaluation shall include the  
 15           following:

16           (a) The functions, powers, and duties of the board, including any functions,  
 17           powers, or duties that are inconsistent with the current or projected practice  
 18           of the occupation;

19           (b) An assessment of the management efficiency of the board;

20           (c) An assessment of the occupation's and the board's ability to meet the  
 21           objectives of the General Assembly in licensing the regulated occupation;

22           (d) An assessment of the necessity of, burden of, and alternatives to the licenses  
 23           issued by the board;

24           (e) An assessment of the fees charged by the board; and

25           (f) Any other criteria identified by the department.

26           (2) Following the department's review and evaluation, it shall prepare a report to the  
 27           Governor and to the Legislative Research Commission concerning each

1 occupation and board that the department reviews and evaluates. The report shall  
 2 contain the following:

3 (a) The number of individuals who are licensed by the board;

4 (b) A summary of the board's functions and actions;

5 (c) The budget and other fiscal factors of regulating the occupation, including  
 6 the actual cost of administering license applications, renewals, and issuing  
 7 licenses;

8 (d) An assessment of the effect of the regulated occupation on the state's  
 9 economy, including consumers and businesses;

10 (e) Any recommendations for legislation, including whether:

11 1. The regulation of a regulated occupation should be modified;

12 2. The board should be combined with another board;

13 3. The board or the regulation of the occupation should be terminated;

14 4. A license should be eliminated; or

15 5. Multiple licenses should be consolidated into a single license;

16 (f) Any recommendations for administrative changes; and

17 (g) Information that supports the department's recommendations.

18 (3) A board shall cooperate with the department and assist in the department's  
 19 review and evaluation of the board. A board may attach written comments to the  
 20 report.

21 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
 22 READ AS FOLLOWS:

23 (1) All board members shall be appointed by the Governor, except for ex officio  
 24 members.

25 (2) Excluding ex officio members and members appointed to fill an unexpired term,  
 26 all full terms of membership on a board shall be three (3) years.

27 (3) After the effective date of this Act, a board member shall not serve more than two

1 (2) full consecutive terms. A person who has served two (2) full consecutive terms  
 2 may be appointed as a member to the same board after a break in service.

3 (4) A board position shall be vacant upon the expiration of a board member's three  
 4 (3) year term until the position is filled by gubernatorial appointment. No  
 5 individual may serve as a board member past an expired term unless reappointed.

6 (5) If new boards are created or existing boards are reorganized, initial terms shall  
 7 be staggered as evenly as possible so that members are initially appointed for a  
 8 one (1) year, two (2) year, or three (3) year term.

9 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
 10 READ AS FOLLOWS:

11 (1) A majority of the voting members of a board or board committee shall constitute  
 12 a quorum for the transaction of business. If a board has one (1) or more  
 13 vacancies in its membership, a board shall not be required to include one (1)  
 14 such vacant position to determine the existence of a quorum.

15 (2) Except as otherwise provided in this chapter or in an enabling act, every member  
 16 of a board shall be a voting member entitled to vote on all matters.

17 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
 18 READ AS FOLLOWS:

19 (1) A board shall establish by administrative regulation the compensation paid to a  
 20 board member for each day spent in the discharge of official business.  
 21 Compensation shall not exceed one hundred dollars (\$100) per board member  
 22 per day.

23 (2) A board may reimburse a member for actual and necessary expenses, including  
 24 mileage, incurred in the performance of the member's official duties consistent  
 25 with the laws and administrative regulations governing state employees. A board  
 26 may reimburse a member for lodging only if the member is required to travel  
 27 more than one hundred (100) miles from the member's residence to attend an

1 official board function. Boards shall not otherwise pay, or in any way  
2 compensate, board members for their services.

3 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
4 READ AS FOLLOWS:

5 (1) A board shall annually elect a chair, vice chair, and any other necessary officers  
6 at the board's first meeting of a calendar year. The vice chair shall act in the  
7 chair's absence. The officers shall serve until the next election or until their  
8 terms expire, whichever occurs first. If there is a vacancy in an officer position,  
9 the board shall hold an election to fill any vacancy at its next meeting.

10 (2) A board shall meet at least semiannually and may meet at any other times it  
11 deems necessary.

12 (3) A board shall adopt a regular schedule of meetings in accordance with KRS  
13 61.820 no later than the board's first meeting of a calendar year. The regular  
14 schedule of meetings shall include the date, time, and location of meetings for  
15 that calendar year.

16 ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
17 READ AS FOLLOWS:

18 A board member shall be automatically disqualified from service on a board, thereby  
19 creating a vacancy, if a member:

20 (1) Ceases to hold the license required for membership;

21 (2) Is a consumer or citizen member of the board who acquires, or a member of  
22 whose household acquires, a license or financial interest in the profession or  
23 trade regulated by the board;

24 (3) Enters a plea of guilty to, or has been found guilty of, a felony or any other crime  
25 involving fraud, dishonesty, or sexual misconduct during the member's time of  
26 service on the board;

27 (4) Ceases to be a bona fide resident of this Commonwealth;

1 (5) Displays incompetence, neglect of duty, or unprofessional conduct, as voted upon  
 2 by the board;

3 (6) Fails to adhere to the board's duly adopted code of ethics, as voted upon by the  
 4 board;

5 (7) Misses three (3) consecutive meetings or misses more than fifty percent (50%) of  
 6 the meetings held over the previous twelve (12) month period; or

7 (8) Is removed in accordance with KRS 63.080(1).

8 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
 9 READ AS FOLLOWS:

10 In addition to any powers established in a board's enabling act, including subpoena  
 11 power, a board may:

12 (1) Administer and enforce the provisions of its enabling act and any other chapter  
 13 governing its profession or trade;

14 (2) Examine witnesses, administer oaths, and investigate allegations of actions  
 15 violating this chapter, the board's enabling act, and any administrative regulation  
 16 promulgated under the board's enabling act;

17 (3) Promulgate administrative regulations pursuant to KRS Chapter 13A to carry out  
 18 this chapter and the board's enabling act;

19 (4) Conduct administrative hearings in accordance with KRS Chapter 13B;

20 (5) Evaluate the qualifications and authorize the issuance, renewal, reactivation, or  
 21 reregistration of licenses, certificates, or permits to qualified individuals;

22 (6) Issue disciplinary action, including to:

23 (a) Suspend, revoke, or restrict licenses;

24 (b) Deny the issuance, renewal, reactivation, or reregistration of a license;

25 (c) Impose probationary conditions on the licensee;

26 (d) Levy fines not to exceed two thousand dollars (\$2,000) per violation except  
 27 as otherwise provided by a board's enabling act or a board's administrative

- 1           regulations; and
- 2           (e) Issue a public reprimand or private letter of admonishment. A private letter
- 3           of admonishment shall not be subject to KRS 61.870 to 61.884;
- 4           (7) Require the continuing professional education of individuals subject to this
- 5           chapter and the board's enabling act;
- 6           (8) Institute civil actions in Franklin Circuit Court, the Circuit Court of the county
- 7           where the board's principal place of business is located, or the Circuit Court of
- 8           the county where the violation occurred to restrain or enjoin any violation of this
- 9           chapter, the board's enabling act, or any administrative regulation promulgated
- 10           by the board, in addition to any other civil or criminal penalties;
- 11           (9) Approve appropriate examinations for licensees and establish standards for
- 12           acceptable performance;
- 13           (10) Adopt a code of ethics;
- 14           (11) Delegate responsibilities to committees or staff who serve the board;
- 15           (12) Establish by administrative regulation any fees, including fees for licensure,
- 16           subject to any maximum established by law;
- 17           (13) Establish advisory councils or other bodies to advise the board on matters within
- 18           its jurisdiction. A member of an advisory council or other appointed body shall
- 19           not be compensated but may be reimbursed for travel costs; and
- 20           (14) Promulgate administrative regulations pursuant to KRS Chapter 13A for the
- 21           expungement of a disciplinary action.

22           ➔SECTION 12. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO

23 READ AS FOLLOWS:

- 24           (1) Pursuant to KRS 13A.120(3), a board shall submit an administrative regulation
- 25           to the executive director of the authority within which the board is organized
- 26           prior to the board filing the administrative regulation. The executive director
- 27           shall review the proposed administrative regulation to determine whether it

1 complies with clearly articulated state policy as provided by the General Assembly  
 2 and is narrowly tailored to avoid unnecessary barriers to market entry. The  
 3 commissioner of the department or the secretary of the Public Protection Cabinet  
 4 may act in the absence of the executive director. A proposed administrative  
 5 regulation that does not comply with clearly articulated state policy as provided  
 6 by the General Assembly or is not narrowly tailored to avoid unnecessary barriers  
 7 to market entry, both as determined by the executive director, shall not be filed.

8 (2) When a board completes the regulatory impact analysis required by KRS  
 9 13A.240, the board's responses to KRS 13A.240(1)(c)2. and (1)(d)2. shall include  
 10 a brief narrative summary of:

11 (a) How the administrative regulation complies with clearly articulated state  
 12 policy as provided by the General Assembly;

13 (b) Why the administrative regulation is necessary to protect the public health,  
 14 safety, and welfare; and

15 (c) How the administrative regulation is narrowly tailored to avoid unnecessary  
 16 barriers to market entry.

17 ➔SECTION 13. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
 18 READ AS FOLLOWS:

19 A board shall:

20 (1) Keep a register of all individuals licensed by the board. The register shall show  
 21 the name of every licensee, the licensee's last known professional and home  
 22 address, e-mail address if one exists, telephone number, the type of license held,  
 23 and the date and number of each license; and

24 (2) Make an annual report to the Governor and the Legislative Research  
 25 Commission by September 1 of each year. The Legislative Research Commission  
 26 shall forward a copy of each report to the Interim Joint Committee on Licensing,  
 27 Occupations, and Administrative Regulations or its successor committee. The

1 annual report shall cover the preceding fiscal year. The annual report shall  
2 contain an account of duties performed, actions taken, number of licensees over  
3 the most recent three (3) years, financial condition, and appropriate  
4 recommendations.

5 ➔SECTION 14. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
6 READ AS FOLLOWS:

7 (1) The General Assembly finds and declares that the timely issuance of a license to  
8 a deserving person is of great importance to that person's livelihood and to  
9 market competition.

10 (2) (a) An application for licensure of any kind shall be approved or denied within  
11 fifteen (15) business days of the application becoming complete. An  
12 application shall be considered complete when all matters required for the  
13 issuance of a license have been received by the board, including any  
14 application form and required attachments, proof of continuing education,  
15 test results, and any other assessments required by the board.

16 (b) If an application for licensure is not acted upon within fifteen (15) business  
17 days of the application becoming complete, the license application fee shall  
18 be refunded to the applicant, and the application shall be acted upon within  
19 the subsequent fifteen (15) business days.

20 (c) If an application is not acted upon within thirty (30) business days of the  
21 application becoming complete, the applicant shall be granted the requested  
22 license.

23 (3) Notwithstanding subsection (2) of this section and for good cause, a license  
24 application may be referred on one (1) occasion to the full board for action if this  
25 referral occurs within fifteen (15) business days of the application becoming  
26 complete. Upon this referral, the applicant or licensee shall be notified of the  
27 referral and the reason for the referral. The board shall then approve or deny the

1 license application within forty-five (45) business days of the referral. The license  
2 shall be granted and any application fee refunded to the applicant or licensee if  
3 action is not taken within forty-five (45) business days of the referral.

4 (4) A board may authorize one (1) or more of its members or department staff to  
5 review license applications and to approve issuance of a license without review  
6 and action by the board at a meeting.

7 (5) Beginning with any license that expires on or after July 1, 2019, a board shall  
8 issue or renew a license for a period of not less than two (2) years unless the  
9 board's enabling act or an accrediting standard specifies a longer period.

10 (6) If a board offers electronic licensing or electronic renewals, any licensing  
11 applicant that submits a paper application for that licensure or renewal shall pay  
12 an additional twenty-five dollars (\$25) processing fee, in addition to all other  
13 application fees.

14 (7) A board that administers its own examination for licensure shall offer the  
15 examination at least once every seventy-five (75) days. A board may cancel a  
16 scheduled examination if no person has indicated an intent to take the  
17 examination at least three (3) days before the examination is scheduled.

18 ➔SECTION 15. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
19 READ AS FOLLOWS:

20 (1) Each board shall establish one (1) or more disciplinary review committees  
21 composed of less than one-half (1/2) of the members of the board.

22 (2) Any individual, organization, or entity may submit a complaint to the board. A  
23 board may also file a complaint based on information in its possession.  
24 Complaints shall be in writing and identify and be signed by the individual  
25 making the complaint.

26 (3) (a) Upon receipt of a complaint, the board staff or legal counsel shall send a  
27 copy of the complaint to the appropriate disciplinary review committee.

1 (b) The disciplinary review committee shall review the assigned complaint.

2 Following review, the disciplinary review committee shall:

3 1. Order further investigation into the complaint;

4 2. Order that a formal complaint stating the charge or charges be filed  
5 and that an administrative proceeding before the remaining members  
6 of the board who are not on the disciplinary review committee be  
7 commenced in accordance with KRS Chapter 13B. The formal  
8 complaint shall be signed by the chair or an authorized representative  
9 and served upon the individual against whom it is filed;

10 3. Enter into settlement negotiations, mediation, or other informal  
11 methods to resolve the complaint, if the board deems appropriate; or

12 4. Dismiss the complaint if the committee finds that the complaint and  
13 any subsequent investigation fails to establish probable cause that a  
14 violation that warrants disciplinary action has occurred. The board  
15 shall notify both the complaining party and the individual against  
16 whom the complaint was filed of the dismissal.

17 (c) Notwithstanding any provision of law to the contrary, the disciplinary  
18 review committee that reviewed the complaint shall have the sole authority  
19 to approve and issue a final order regarding any settlement or agreed order  
20 that resolves a complaint.

21 (d) A member of the board who is not a member of the disciplinary review  
22 committee that reviewed the complaint shall not be involved in the  
23 investigation of a complaint, discussion or decisions involving the  
24 settlement or other resolution of a complaint, or any other matter involving  
25 a complaint or the disciplinary process other than serving as a hearing  
26 officer or the agency head in the KRS Chapter 13B administrative hearing  
27 process.

1 (e) A member of the disciplinary review committee who reviewed the complaint  
2 shall recuse from, have no role in, and not vote on any matter relating to an  
3 administrative hearing or a final order that resolves a case through any  
4 method other than agreement of the parties.

5 (4) If, in the opinion of the disciplinary review committee, a complaint is  
6 substantiated to show that a person is practicing the profession or trade without a  
7 license, the disciplinary review committee shall prepare a letter signed by the  
8 chair or an authorized representative that notifies the person of the committee's  
9 belief that the person is practicing without a license. The letter shall request that  
10 a person voluntarily cease practice of the profession or trade without a license.  
11 The board may forward the complaint to the appropriate county attorney or  
12 Commonwealth's attorney with a request that appropriate action be taken. The  
13 board may also initiate an action for injunctive relief to stop the unauthorized  
14 practice of the profession or trade in Franklin Circuit Court, the Circuit Court of  
15 the county where the board's principal place of business is located, or the Circuit  
16 Court of the county where the individual is practicing the profession or trade  
17 without a license.

18 (5) A board may promulgate administrative regulations that are necessary to carry  
19 out or supplement this section and KRS Chapter 13B.

20 (6) Nothing in this section shall be construed to prevent a board from taking  
21 emergency action if authorized by KRS 13B.125.

22 ➔SECTION 16. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
23 READ AS FOLLOWS:

24 (1) A nominating group recognized in a board's enabling act may submit lists of  
25 names to the Governor for appointment to a board. The Governor shall not be  
26 required to appoint more than fifty percent (50%) of the membership of any  
27 board from nominations submitted by any nominating group or combination of

1 nominating groups. For any appointment made from a list of names provided by  
2 a nominating group, the executive order appointing the member shall reflect that  
3 the person appointed was chosen from a list of names provided by the nominating  
4 group.

5 (2) If a statute requires the Governor to appoint a member from a list of names  
6 submitted by a nominating group, but the nomination at issue would violate the  
7 provisions of subsection (1) of this section, the Governor shall not be required to  
8 choose from among the list of names provided by the nominating group.

9 (3) (a) A nominating group shall submit nominations to the Governor at least  
10 thirty (30) days before a vacancy arises in the case of an expired term. If a  
11 nominating group fails to submit nominations at least thirty (30) days  
12 before a vacancy arises, the Governor may appoint an individual not  
13 submitted by the nominating group.

14 (b) If an appointment to a board vacancy created by reason other than an  
15 expired term is required to be made from a list of names submitted by a  
16 nominating group, the nominating group shall be notified of the vacancy  
17 and given forty-five (45) days to submit a list of at least three (3) names to  
18 the Governor for consideration. If a nominating group fails to submit  
19 nominations within forty-five (45) days after notification, the Governor may  
20 appoint an individual not submitted by the nominating group.

21 (4) If the Governor rejects all of the names submitted, the nominating group shall  
22 have fifteen (15) days to submit new names. If a nominating group fails to submit  
23 new names within fifteen (15) days, the Governor may appoint an individual not  
24 submitted by the nominating group.

25 ➔SECTION 17. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
26 READ AS FOLLOWS:

27 If a licensee of any professional licensing board identified in Section 3 of this Act,

1 including any person who holds an inactive or escrowed license, is convicted of, pleads  
 2 guilty to, pleads no contest to, or enters an Alford plea to any felony or misdemeanor,  
 3 excluding only misdemeanor convictions under KRS Chapter 189, the licensee shall  
 4 notify the board in writing of the conviction within thirty (30) days after the entry of an  
 5 order or judgment of conviction unless a shorter time is specified in an administrative  
 6 regulation. The licensee shall include a letter of explanation and a certified copy of the  
 7 order or judgment of conviction with the written notice.

8       ➔SECTION 18. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
 9 READ AS FOLLOWS:

10 (1) A board shall allow licensees to complete at least one-half (1/2) of their  
 11 continuing education requirements by means other than in-person training.

12 (2) A board shall waive any continuing education requirement for a licensee:

13 (a) In accordance with KRS 12.355;

14 (b) Whose spouse is called to full-time military service during the period of full-  
 15 time military service and for sixty (60) days after the service if the licensee  
 16 ceases to practice an occupation that is regulated by the board during the  
 17 period of his or her spouse's full-time military service;

18 (c) Suffering a documented incapacitating illness or injury during the period of  
 19 incapacity and for sixty (60) days after the incapacity; or

20 (d) Who has suffered any other circumstance warranting a waiver as  
 21 determined by the board.

22 (3) The board may extend the period for completion of continuing education based  
 23 on good cause shown.

24       ➔SECTION 19. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
 25 READ AS FOLLOWS:

26 All members of a board, as well as all staff, legal counsel, or other persons who act for  
 27 or on behalf of a board, an authority, or the department shall be immune from suit or

1 *civil liability for damages for conduct that is taken in good faith and is within the scope*  
2 *and arising out of the performance of their duties.*

3       ➔SECTION 20. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) Notwithstanding any other law, a board shall send notice of the upcoming*  
6 *expiration of a license to each licensee at least thirty (30) days prior to the*  
7 *expiration of the license.*

8 *(2) Notwithstanding any other law, a board shall send notice of the expiration of a*  
9 *license to each licensee whose license has expired within thirty (30) days*  
10 *following the expiration of the license.*

11 *(3) If a license is first issued to an individual less than ninety (90) days before the*  
12 *license is scheduled to expire, the license issued to the individual shall not expire*  
13 *on that date, but instead it shall expire at the conclusion of the next licensing*  
14 *period.*

15 *(4) Absent good cause shown, a board shall require that a licensee or license*  
16 *applicant provide an electronic mail address for purposes of official*  
17 *communications. Any notice required by this chapter or a board's enabling act*  
18 *may be sent to a licensee's or license applicant's electronic mail address unless a*  
19 *board has excused that person from providing an electronic mail address.*

20       ➔SECTION 21. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
21 READ AS FOLLOWS:

22 *Except as permitted in an enabling act, no board shall issue an advisory opinion*  
23 *interpreting any statute, administrative regulation, or code of ethics pertaining to any*  
24 *matter under its jurisdiction.*

25       ➔SECTION 22. A NEW SECTION OF KRS CHAPTER 308 IS CREATED TO  
26 READ AS FOLLOWS:

27 *(1) There is hereby established within the department a Prescribing Boards Advisory*

1 Council. The council shall consist of eight (8) ex officio members, including a  
 2 representative of the:

3 (a) Kentucky Medical Licensure Authority;

4 (b) Kentucky Nursing Authority;

5 (c) Kentucky Pharmacy Authority;

6 (d) Kentucky Board of Dentistry;

7 (e) Kentucky Office of Drug Control Policy;

8 (f) State Board of Podiatry;

9 (g) Kentucky Board of Optometric Examiners; and

10 (h) Inspector general of the Cabinet for Health and Family Services.

11 (2) The council shall meet at least quarterly to discuss matters relating to the  
 12 prescribing of drugs, with an emphasis on controlled substances. The council  
 13 shall discuss and coordinate efforts to combat prescription drug abuse.

14 (3) The council shall submit an annual report by December 31 of each year to the  
 15 Governor and to the Legislative Research Commission that:

16 (a) States the council's meeting dates and topics for the preceding year;

17 (b) Provides relevant statistical information;

18 (c) Describes the efforts made by the council to share information related to  
 19 issues with prescription drugs, including controlled substances; and

20 (d) Provides policy recommendations, including recommendations for statutory  
 21 changes or administrative regulation changes.

22 (4) Members shall not receive any additional compensation for their service on the  
 23 council but shall be reimbursed for all necessary expenses.

24 ➔Section 23. KRS 12.020 is amended to read as follows:

25 Departments, program cabinets and their departments, and the respective major  
 26 administrative bodies that they include are enumerated in this section. It is not intended  
 27 that this enumeration of administrative bodies be all-inclusive. Every authority, board,

1 bureau, interstate compact, commission, committee, conference, council, office, or any  
2 other form of organization shall be included in or attached to the department or program  
3 cabinet in which they are included or to which they are attached by statute or statutorily  
4 authorized executive order; except in the case of the Personnel Board and where the  
5 attached department or administrative body is headed by a constitutionally elected officer,  
6 the attachment shall be solely for the purpose of dissemination of information and  
7 coordination of activities and shall not include any authority over the functions,  
8 personnel, funds, equipment, facilities, or records of the department or administrative  
9 body.

10 I. Cabinet for General Government - Departments headed by elected officers:

- 11 (1) The Governor.  
12 (2) Lieutenant Governor.  
13 (3) Department of State.  
14 (a) Secretary of State.  
15 (b) Board of Elections.  
16 (c) Registry of Election Finance.  
17 (4) Department of Law.  
18 (a) Attorney General.  
19 (5) Department of the Treasury.  
20 (a) Treasurer.  
21 (6) Department of Agriculture.  
22 (a) Commissioner of Agriculture.  
23 (b) Kentucky Council on Agriculture.  
24 (7) Auditor of Public Accounts.

25 II. Program cabinets headed by appointed officers:

- 26 (1) Justice and Public Safety Cabinet:  
27 (a) Department of Kentucky State Police.

- 1 (b) Department of Criminal Justice Training.
- 2 (c) Department of Corrections.
- 3 (d) Department of Juvenile Justice.
- 4 (e) Office of the Secretary.
- 5 (f) Office of Drug Control Policy.
- 6 (g) Office of Legal Services.
- 7 (h) Office of the Kentucky State Medical Examiner.
- 8 (i) Parole Board.
- 9 (j) Kentucky State Corrections Commission.
- 10 (k) Office of Legislative and Intergovernmental Services.
- 11 (l) Office of Management and Administrative Services.
- 12 (m) Department of Public Advocacy.
- 13 (2) Education and Workforce Development Cabinet:
- 14 (a) Office of the Secretary.
  - 15 1. Governor's Scholars Program.
  - 16 2. Governor's School for Entrepreneurs Program.
- 17 (b) Office of Legal and Legislative Services.
  - 18 1. Client Assistance Program.
- 19 (c) Office of Communication.
- 20 (d) Office of Budget and Administration.
  - 21 1. Division of Human Resources.
  - 22 2. Division of Administrative Services.
- 23 (e) Office of Technology Services.
- 24 (f) Office of Educational Programs.
- 25 (g) Office for Education and Workforce Statistics.
- 26 (h) Board of the Kentucky Center for Education and Workforce Statistics.
- 27 (i) Board of Directors for the Center for School Safety.

- 1 (j) Department of Education.
- 2 1. Kentucky Board of Education.
- 3 2. Kentucky Technical Education Personnel Board.
- 4 (k) Department for Libraries and Archives.
- 5 (l) Department of Workforce Investment.
- 6 1. Office for the Blind.
- 7 2. Office of Vocational Rehabilitation.
- 8 3. Office of Employment and Training.
- 9 a. Division of Grant Management and Support.
- 10 b. Division of Workforce and Employment Services.
- 11 c. Division of Unemployment Insurance.
- 12 (m) Foundation for Workforce Development.
- 13 (n) Kentucky Office for the Blind State Rehabilitation Council.
- 14 (o) Kentucky Workforce Investment Board.
- 15 (p) Statewide Council for Vocational Rehabilitation.
- 16 (q) Unemployment Insurance Commission.
- 17 (r) Education Professional Standards Board.
- 18 1. Division of Educator Preparation.
- 19 2. Division of Certification.
- 20 3. Division of Professional Learning and Assessment.
- 21 4. Division of Legal Services.
- 22 (s) Kentucky Commission on the Deaf and Hard of Hearing.
- 23 (t) Kentucky Educational Television.
- 24 (u) Kentucky Environmental Education Council.
- 25 (3) Energy and Environment Cabinet:
- 26 (a) Office of the Secretary.
- 27 1. Office of Legislative and Intergovernmental Affairs.

- 1                   2.   Office of General Counsel.
- 2                   3.   Office of Administrative Hearings.
- 3                   4.   Mine Safety Review Commission.
- 4                   5.   Kentucky State Nature Preserves Commission.
- 5                   6.   Kentucky Public Service Commission.
- 6                   (b) Department for Environmental Protection.
- 7                   1.   Office of the Commissioner.
- 8                   2.   Division for Air Quality.
- 9                   3.   Division of Water.
- 10                  4.   Division of Environmental Program Support.
- 11                  5.   Division of Waste Management.
- 12                  6.   Division of Enforcement.
- 13                  7.   Division of Compliance Assistance.
- 14                  (c) Department for Natural Resources.
- 15                  1.   Office of the Commissioner.
- 16                  2.   Division of Technical and Administrative Support.
- 17                  3.   Division of Mine Permits.
- 18                  4.   Division of Mine Reclamation and Enforcement.
- 19                  5.   Division of Abandoned Mine Lands.
- 20                  6.   Division of Oil and Gas.
- 21                  7.   Division of Mine Safety.
- 22                  8.   Division of Forestry.
- 23                  9.   Division of Conservation.
- 24                  10. Office of the Reclamation Guaranty Fund.
- 25                  (d) Department for Energy Development and Independence.
- 26                  1.   Division of Efficiency and Conservation.
- 27                  2.   Division of Renewable Energy.

- 1                   3.    Division of Biofuels.
- 2                   4.    Division of Energy Generation Transmission and Distribution.
- 3                   5.    Division of Carbon Management.
- 4                   6.    Division of Fossil Energy Development.
- 5           (4)   Public Protection Cabinet.
- 6               (a)   Office of the Secretary.
- 7                   1.    Office of Communications and Public Outreach.
- 8                   2.    Office of Legal Services.
- 9                        a.    Insurance Legal Division.
- 10                       b.    Charitable Gaming Legal Division.
- 11                       c.    Alcoholic Beverage Control Legal Division.
- 12                       d.    Housing, Buildings and Construction Legal Division.
- 13                       e.    Financial Institutions Legal Division.
- 14               **3.    Office of Inspector General.**
- 15                       **a.    Division of Internal Investigations.**
- 16                       **b.    Division of Professional Licensing Investigations.**
- 17               (b)   Kentucky Claims Commission.
- 18               (c)   Kentucky Boxing and Wrestling Commission.
- 19               (d)   Kentucky Horse Racing Commission.
- 20                   1.    Office of Executive Director.
- 21                       a.    Division of Pari-mutuel Wagering and Compliance.
- 22                       b.    Division of Stewards.
- 23                       c.    Division of Licensing.
- 24                       d.    Division of Enforcement.
- 25                       e.    Division of Incentives and Development.
- 26                       f.    Division of Veterinary Services.
- 27               (e)   Department of Alcoholic Beverage Control.

- 1                   1.    Division of Distilled Spirits.
- 2                   2.    Division of Malt Beverages.
- 3                   3.    Division of Enforcement.
- 4                   (f)  Department of Charitable Gaming.
- 5                   1.    Division of Licensing and Compliance.
- 6                   2.    Division of Enforcement.
- 7                   (g)  Department of Financial Institutions.
- 8                   1.    Division of Depository Institutions.
- 9                   2.    Division of Non-Depository Institutions.
- 10                  3.    Division of Securities.
- 11                  (h)  Department of Housing, Buildings and Construction.
- 12                  1.    Division of Fire Prevention.
- 13                  2.    Division of Plumbing.
- 14                  3.    Division of Heating, Ventilation, and Air Conditioning.
- 15                  4.    Division of Building Code Enforcement.
- 16                  (i)  Department of Insurance.
- 17                  1.    Division of Insurance Product Regulation.
- 18                  2.    Division of Administrative Services.
- 19                  3.    Division of Financial Standards and Examination.
- 20                  4.    Division of Agent Licensing.
- 21                  5.    Division of Insurance Fraud Investigation.
- 22                  6.    Division of Consumer Protection.
- 23                  7.    Division of Kentucky Access.
- 24                  (j)  Department of Professional Licensing.
- 25                  1.    Real Estate Authority.
- 26                  2.    Medical Licensure Authority.
- 27                  3.    Nursing Authority.

- 1                    4. Pharmacy Authority.
- 2                    5. Health and Restoration Authority.
- 3                    6. Land Development Authority.
- 4                    7. General Licensing Authority.
- 5                    8. Division of Administrative Services.

6            (5) Labor Cabinet.

7                    (a) Office of the Secretary.

- 8                    1. Division of Management Services.
- 9                    2. Office of General Counsel.
  - 10                    a. Workplace Standards Legal Division.
  - 11                    b. Workers' Claims Legal Division.

12                    (b) Office of General Administration and Program Support for Shared  
13                    Services.

- 14                    1. Division of Human Resource Management.
- 15                    2. Division of Fiscal Management.
- 16                    3. Division of Budgets.
- 17                    4. Division of Information Services.

18                    (c) Office of Inspector General for Shared Services.

19                    (d) Department of Workplace Standards.

- 20                    1. Division of Apprenticeship.
- 21                    2. Division of Occupational Safety and Health Compliance.
- 22                    3. Division of Occupational Safety and Health Education and  
23                    Training.
- 24                    4. Division of Wages and Hours.

25                    (e) Department of Workers' Claims.

- 26                    1. Division of Workers' Compensation Funds.
- 27                    2. Office of Administrative Law Judges.

- 1                   3.    Division of Claims Processing.
- 2                   4.    Division of Security and Compliance.
- 3                   5.    Division of Information Services.
- 4                   6.    Division of Ombudsman and Workers' Compensation Specialist
- 5                    Services.
- 6                   7.    Workers' Compensation Board.
- 7                   (f)   Workers' Compensation Funding Commission.
- 8                   (g)   Occupational Safety and Health Standards Board.
- 9                   (h)   Apprenticeship and Training Council.
- 10                  (i)   State Labor Relations Board.
- 11                  (j)   Employers' Mutual Insurance Authority.
- 12                  (k)   Kentucky Occupational Safety and Health Review Commission.
- 13                  (l)   Workers' Compensation Nominating Committee.
- 14                  (6)   Transportation Cabinet:
- 15                   (a)   Department of Highways.
- 16                    1.    Office of Project Development.
- 17                    2.    Office of Project Delivery and Preservation.
- 18                    3.    Office of Highway Safety.
- 19                    4.    Highway District Offices One through Twelve.
- 20                   (b)   Department of Vehicle Regulation.
- 21                   (c)   Department of Aviation.
- 22                   (d)   Department of Rural and Municipal Aid.
- 23                    1.    Office of Local Programs.
- 24                    2.    Office of Rural and Secondary Roads.
- 25                   (e)   Office of the Secretary.
- 26                    1.    Office of Public Affairs.
- 27                    2.    Office for Civil Rights and Small Business Development.

- 1                   3.    Office of Budget and Fiscal Management.
- 2                   4.    Office of Inspector General.
- 3                   (f)   Office of Support Services.
- 4                   (g)   Office of Transportation Delivery.
- 5                   (h)   Office of Audits.
- 6                   (i)   Office of Human Resource Management.
- 7                   (j)   Office of Information Technology.
- 8                   (k)   Office of Legal Services.
- 9           (7)   Cabinet for Economic Development:
- 10           (a)   Office of the Secretary.
- 11                   1.    Office of Legal Services.
- 12                   2.    Department for Business Development.
- 13                            a.    Office of Entrepreneurship.
- 14                                    i.    Commission on Small Business Advocacy.
- 15                            b.    Office of Research and Public Affairs.
- 16                            c.    Bluegrass State Skills Corporation.
- 17                   3.    Office of Financial Services.
- 18                            a.    Kentucky Economic Development Finance Authority.
- 19                            b.    Division of Finance and Personnel.
- 20                            c.    Division of Network Administration.
- 21                            d.    Compliance Division.
- 22                            e.    Incentive Assistance Division.
- 23           (8)   Cabinet for Health and Family Services:
- 24                   (a)   Office of the Secretary.
- 25                   (b)   Office of Health Policy.
- 26                   (c)   Office of Legal Services.
- 27                   (d)   Office of Inspector General.

- 1 (e) Office of Communications and Administrative Review.
- 2 (f) Office of the Ombudsman.
- 3 (g) Office of Finance and Budget.
- 4 (h) Office of Human Resource Management.
- 5 (i) Office of Administrative and Technology Services.
- 6 (j) Department for Public Health.
- 7 (k) Department for Medicaid Services.
- 8 (l) Department for Behavioral Health, Developmental and Intellectual
- 9 Disabilities.
- 10 (m) Department for Aging and Independent Living.
- 11 (n) Department for Community Based Services.
- 12 (o) Department for Income Support.
- 13 (p) Department for Family Resource Centers and Volunteer Services.
- 14 (q) Kentucky Commission on Community Volunteerism and Service.
- 15 (r) Kentucky Commission for Children with Special Health Care Needs.
- 16 (s) Governor's Office of Electronic Health Information.
- 17 (t) Office of Legislative and Regulatory Affairs.
- 18 (9) Finance and Administration Cabinet:
- 19 (a) Office of the Secretary.
- 20 (b) Office of the Inspector General.
- 21 (c) Office of Legislative and Intergovernmental Affairs.
- 22 (d) Office of General Counsel.
- 23 (e) Office of the Controller.
- 24 (f) Office of Administrative Services.
- 25 (g) Office of Policy and Audit.
- 26 (h) Department for Facilities and Support Services.
- 27 (i) Department of Revenue.

- 1 (j) Commonwealth Office of Technology.
- 2 (k) State Property and Buildings Commission.
- 3 (l) Office of Equal Employment Opportunity and Contract Compliance.
- 4 (m) Kentucky Employees Retirement Systems.
- 5 (n) Commonwealth Credit Union.
- 6 (o) State Investment Commission.
- 7 (p) Kentucky Housing Corporation.
- 8 (q) Kentucky Local Correctional Facilities Construction Authority.
- 9 (r) Kentucky Turnpike Authority.
- 10 (s) Historic Properties Advisory Commission.
- 11 (t) Kentucky Tobacco Settlement Trust Corporation.
- 12 (u) Kentucky Higher Education Assistance Authority.
- 13 (v) Kentucky River Authority.
- 14 (w) Kentucky Teachers' Retirement System Board of Trustees.
- 15 (x) Executive Branch Ethics Commission.
- 16 (10) Tourism, Arts and Heritage Cabinet:
- 17 (a) Kentucky Department of Tourism.
- 18 1. Division of Tourism Services.
- 19 2. Division of Marketing and Administration.
- 20 3. Division of Communications and Promotions.
- 21 (b) Kentucky Department of Parks.
- 22 1. Division of Information Technology.
- 23 2. Division of Human Resources.
- 24 3. Division of Financial Operations.
- 25 4. Division of Facilities Management.
- 26 5. Division of Facilities Maintenance.
- 27 6. Division of Customer Services.

- 1                   7.    Division of Recreation.
- 2                   8.    Division of Golf Courses.
- 3                   9.    Division of Food Services.
- 4                   10.   Division of Rangers.
- 5                   11.   Division of Resort Parks.
- 6                   12.   Division of Recreational Parks and Historic Sites.
- 7                   (c)   Department of Fish and Wildlife Resources.
- 8                   1.    Division of Law Enforcement.
- 9                   2.    Division of Administrative Services.
- 10                  3.    Division of Engineering, Infrastructure, and Technology.
- 11                  4.    Division of Fisheries.
- 12                  5.    Division of Information and Education.
- 13                  6.    Division of Wildlife.
- 14                  7.    Division of Marketing.
- 15                  (d)   Kentucky Horse Park.
- 16                  1.    Division of Support Services.
- 17                  2.    Division of Buildings and Grounds.
- 18                  3.    Division of Operational Services.
- 19                  (e)   Kentucky State Fair Board.
- 20                  1.    Office of Administrative and Information Technology Services.
- 21                  2.    Office of Human Resources and Access Control.
- 22                  3.    Division of Expositions.
- 23                  4.    Division of Kentucky Exposition Center Operations.
- 24                  5.    Division of Kentucky International Convention Center.
- 25                  6.    Division of Public Relations and Media.
- 26                  7.    Division of Venue Services.
- 27                  8.    Division of Personnel Management and Staff Development.

- 1                   9.    Division of Sales.
- 2                   10.   Division of Security and Traffic Control.
- 3                   11.   Division of Information Technology.
- 4                   12.   Division of the Louisville Arena.
- 5                   13.   Division of Fiscal and Contract Management.
- 6                   14.   Division of Access Control.
- 7           (f)   Office of the Secretary.
- 8                   1.    Office of Finance.
- 9                   2.    Office of Government Relations and Administration.
- 10                  3.    Office of Film and Tourism Development.
- 11                  4.    Kentucky Sports Authority.
- 12           (g)   Office of Legal Affairs.
- 13           (h)   Office of Human Resources.
- 14           (i)   Office of Public Affairs and Constituent Services.
- 15           (j)   Office of Creative Services.
- 16           (k)   Office of Capital Plaza Operations.
- 17           (l)   Office of Arts and Cultural Heritage.
- 18           (m)   Kentucky African-American Heritage Commission.
- 19           (n)   Kentucky Foundation for the Arts.
- 20           (o)   Kentucky Humanities Council.
- 21           (p)   Kentucky Heritage Council.
- 22           (q)   Kentucky Arts Council.
- 23           (r)   Kentucky Historical Society.
- 24                   1.    Division of Museums.
- 25                   2.    Division of Oral History and Educational Outreach.
- 26                   3.    Division of Research and Publications.
- 27                   4.    Division of Administration.

- 1 (s) Kentucky Center for the Arts.
- 2 1. Division of Governor's School for the Arts.
- 3 (t) Kentucky Artisans Center at Berea.
- 4 (u) Northern Kentucky Convention Center.
- 5 (v) Eastern Kentucky Exposition Center.
- 6 (11) Personnel Cabinet:
- 7 (a) Office of the Secretary.
- 8 (b) Department of Human Resources Administration.
- 9 (c) Office of Employee Relations.
- 10 (d) Kentucky Public Employees Deferred Compensation Authority.
- 11 (e) Office of Administrative Services.
- 12 (f) Office of Legal Services.
- 13 (g) Governmental Services Center.
- 14 (h) Department of Employee Insurance.
- 15 (i) Office of Diversity, Equality, and Training.
- 16 (j) Office of Public Affairs.
- 17 III. Other departments headed by appointed officers:
- 18 (1) Council on Postsecondary Education.
- 19 (2) Department of Military Affairs.
- 20 (3) Department for Local Government.
- 21 (4) Kentucky Commission on Human Rights.
- 22 (5) Kentucky Commission on Women.
- 23 (6) Department of Veterans' Affairs.
- 24 (7) Kentucky Commission on Military Affairs.
- 25 (8) Office of Minority Empowerment.
- 26 (9) Governor's Council on Wellness and Physical Activity.
- 27 (10) Kentucky Communications Network Authority.

1       ➔Section 24. KRS 12.252 is amended to read as follows:

- 2       (1) There is established within the Public Protection Cabinet a Department of Financial  
3       Institutions, a Department of Insurance, a Department of Housing, Buildings and  
4       Construction, a Department of Charitable Gaming, a Department of Professional  
5       Licensing, and a Department of Alcoholic Beverage Control. Each department shall  
6       be headed by a commissioner appointed by the Governor as required by KRS  
7       12.040 and, where appropriate, by KRS 238.510, 241.015, and 304.2-020.  
8       Commissioners shall be directly responsible to the secretary and shall perform the  
9       functions, powers, and duties provided by law and prescribed by the secretary.
- 10      (2) The secretary of the Public Protection Cabinet shall be appointed by the Governor  
11      in accordance with KRS 12.255. The Office of the Secretary shall contain the  
12      following entities:
- 13      (a) The Office of Communications and Public Outreach, which shall be headed  
14      by an executive director appointed by the secretary with the approval of the  
15      Governor in accordance with KRS 12.050;~~and~~
- 16      (b) The Office of Legal Services, which shall be headed by an executive director  
17      appointed by the secretary with the approval of the Governor in accordance  
18      with KRS 12.050 and 12.210; and
- 19      (c) *The Office of Inspector General, which shall be headed by an executive*  
20      *director appointed by the secretary with the approval of the Governor in*  
21      *accordance with KRS 12.050. The Office of the Inspector General shall*  
22      *have the following powers and duties:*
- 23      *1. Conduct audits and investigations for detecting the perpetration of*  
24      *fraud or abuse of any program within the cabinet by a state employee*  
25      *or by any vendor of services with whom the cabinet has contracted;*
- 26      *2. Conduct investigations into alleged Public Protection Cabinet state*  
27      *employee misconduct. If a state employee willfully refuses or fails to*

- 1                   cooperate as a witness in an investigation, hearing, proceeding, or  
 2                   inquiry, the employee may be subject to disciplinary action;  
 3                   3. Upon request of a cabinet agency, conduct an investigation into  
 4                   alleged wrongdoing by any person licensed by the cabinet if this  
 5                   wrongdoing has a nexus to the person's licensure;  
 6                   4. Upon request of a cabinet agency, assist the agency to determine  
 7                   whether an applicant for licensure meets the requirements for  
 8                   licensure; and  
 9                   5. Subpoena witnesses and send for and compel the production of books,  
 10                   records, papers, and documents for the furtherance of any  
 11                   investigation within the office's jurisdiction.

12 (3) There is established within the Public Protection Cabinet the Kentucky Claims  
 13 Commission pursuant to KRS 49.010.

14 (4) The Kentucky Horse Racing Commission is attached to the Public Protection  
 15 Cabinet for administrative purposes only, except as provided in KRS 131.330.

16 (5) There is established within the Public Protection Cabinet the Kentucky Boxing and  
 17 Wrestling Commission, which shall be headed by an executive director appointed  
 18 by the secretary with the approval of the Governor as required by KRS 12.050. The  
 19 executive director shall be directly responsible to the secretary and shall perform the  
 20 functions, powers, and duties provided by law and prescribed by the secretary.

21 ➔Section 25. KRS 198B.704 is amended to read as follows:

- 22 (1) (a) There is hereby created~~[ an independent agency of state government to be~~  
 23 ~~known as] the Kentucky Board of Home Inspectors~~[, which shall be attached~~~~  
 24 ~~to the Department of Professional Licensing for administrative purposes]. The~~  
 25 board shall consist of five (5) members, each appointed by the Governor.~~[~~  
 26 ~~Each board member shall serve a term of three (3) years. The board shall~~  
 27 ~~annually select one (1) of its members to serve as chair and one (1) of its~~

1 ~~members to serve as vice chair to act in the chair's absence.]~~ The board shall  
2 designate either a board member or a member of the board's administrative  
3 staff to serve as secretary to the board.

4 ~~(b) [Any member appointed to fill a vacancy occurring other than by expiration of~~  
5 ~~a term shall be appointed for the remainder of the unexpired term.~~

6 ~~(c)]~~ No more than three (3) members of the same political party shall serve on the  
7 board at the same time.

8 ~~(c)]~~ ~~(d)]~~ No member of the board shall reside in the same county as another  
9 member. The members of the board shall be residents of Kentucky.

10 ~~(d)]~~ ~~(e) 1. A majority of the board shall constitute a quorum for the~~  
11 ~~transaction of business. The affirmative vote of a majority of the~~  
12 ~~members is necessary for the board to take official action.~~

13 ~~2.]~~ If the chair and vice chair are absent from a meeting of the board when a  
14 quorum exists, the members who are present may elect a presiding  
15 officer who shall serve as acting chair until the conclusion of the  
16 meeting or until the arrival of the chair or vice chair.

17 ~~(e) [(f) No member may serve on the board for more than six (6) consecutive~~  
18 ~~years.]~~ A member may serve on the board ~~[for six (6) consecutive years]~~ on  
19 more than one (1) occasion if that person is not a member of the board for at  
20 least two (2) years between periods of board service.

21 (2) The five (5) members of the board shall be chosen as follows:

22 (a) Three (3) members shall:

23 1. Have been actively engaged in performing home inspections in  
24 Kentucky for at least five (5) years immediately before the member's  
25 appointment to the board, or have completed no less than one hundred  
26 (100) fee-paid inspections per year over the last five (5) years; and

27 2. Be licensed by the board as a home inspector;

- 1 (b) One (1) member shall represent the public at large and shall not be associated  
 2 with the home inspection, home building, or real estate business other than as  
 3 a consumer; and
- 4 (c) One (1) member shall be a real estate professional licensed under KRS  
 5 Chapter 324 who has been actively engaged in selling, trading, exchanging,  
 6 optioning, leasing, renting, managing, or listing residential real estate in  
 7 Kentucky for at least five (5) years immediately before the member's  
 8 appointment to the board. This member shall be selected from a list of three  
 9 (3) names submitted to the Governor from the Kentucky Association of  
 10 Realtors. When a vacancy occurs in this member position **due to expiration of**  
 11 **a term**, the Kentucky Association of Realtors shall have **thirty (30)**~~sixty (60)~~  
 12 days **before**~~after~~ the vacancy occurs to submit a list of three (3) names to the  
 13 Governor to fill the vacancy. **If the vacancy occurs for a reason other than**  
 14 **the expiration of a term, the Kentucky Association of Realtors shall have**  
 15 **forty-five (45) days after notification of the vacancy to submit a list of three**  
 16 **(3) names to the Governor to fill the vacancy.** The Governor may reject the  
 17 list of three (3) names and request that the Kentucky Association of Realtors  
 18 submit a new list of three (3) names within **fifteen (15)**~~sixty (60)~~ days of the  
 19 Governor's request. If the Kentucky Association of Realtors fails to timely  
 20 submit this list to the Governor, the Governor may immediately appoint a  
 21 qualified person to fill this vacancy.
- 22 (3) ~~{A board member shall be automatically removed from the board and a vacancy~~  
 23 ~~shall occur when the board member:~~
- 24 (a) ~~—Ceases to be a resident of the Commonwealth of Kentucky;~~
- 25 (b) ~~—Displays incompetence, neglect of duty, or unprofessional conduct;~~
- 26 (c) ~~—Fails to adhere to a duly adopted code of ethics of the board. Failure to adhere~~  
 27 ~~to this code shall be determined by official action of the board;~~

1       ~~(d) Enters a plea of guilty to, or has been found guilty of, a felony and the time for~~  
 2           ~~appeal has passed or the judgment of conviction has been finally affirmed on~~  
 3           ~~appeal; or~~

4       ~~(e) Misses three (3) consecutive meetings or misses more than twenty five~~  
 5           ~~percent (25%) of the meetings held over the previous twelve (12) month~~  
 6           ~~period.~~

7       ~~(4) Voting members of the board shall be compensated no more than three hundred~~  
 8           ~~dollars (\$300) per day for official business, subject to an annual maximum of six~~  
 9           ~~thousand dollars (\$6,000). Members shall be reimbursed for all expenses paid and~~  
 10          ~~incurred in the discharge of official business consistent with the reimbursement~~  
 11          ~~policy for state employees. ]~~With the approval of the executive director of the  
 12          Kentucky Real Estate Authority within the Department of Professional Licensing,  
 13          board members and board staff may attend and travel to and from meetings and  
 14          events relevant to the board or the industry the board represents.

15       ~~(4)~~~~(5)~~     The board shall meet at least quarterly each calendar year upon the call of the  
 16          chair or the written request of a majority of the members of the board.

17       ~~(5)~~~~(6)~~     The chair shall establish the date, time, and place for each meeting.

18          ➔Section 26. KRS 198B.706 is amended to read as follows:

19          The board shall:

20          (1) Through the promulgation of administrative regulations:

21           (a) Determine the requirements for and prescribe the form of licenses,  
 22           applications, and other documents that are required by KRS 198B.700 to  
 23           198B.738; and

24           (b) Require that a home inspection report include a statement that the home  
 25           inspection report does not address environmental hazards and list all other  
 26           exclusions with specificity;

27          (2) Grant, deny, suspend, and revoke approval of examinations and courses of study

- 1 regarding home inspections;
- 2 (3) Issue or deny applications for *biennial* licensure and *biennial* renewals;
- 3 (4) Investigate complaints concerning licensees, or persons the board has reason to  
4 believe should be licensees, including complaints concerning failure to comply with  
5 KRS 198B.700 to 198B.738 or administrative regulations promulgated under KRS  
6 198B.700 to 198B.738, and, when appropriate, take action in accordance with KRS  
7 198B.728 and 198B.730;
- 8 (5) Bring actions in the name of the state in an appropriate court in order to enforce  
9 compliance with KRS 198B.700 to 198B.738 or the administrative regulations  
10 promulgated under KRS 198B.700 to 198B.738;
- 11 (6) Establish license fees in an amount not to exceed two hundred fifty dollars (\$250)  
12 for each year of licensure~~[annually]~~;
- 13 (7) Inspect the records of a licensee in accordance with administrative regulations  
14 promulgated by the board;
- 15 (8) Conduct or designate a member or other representative to conduct public hearings  
16 on any matter for which a hearing is required under KRS 198B.728 and 198B.730;
- 17 (9) Adopt a seal containing the words "Kentucky Board of Home Inspectors" and,  
18 through the board's secretary, certify copies and authenticate all acts of the board;
- 19 (10) ~~[Use counsel, consultants, and other persons,]~~ Enter into contracts, and authorize  
20 expenditures that are reasonably necessary or appropriate to administer and enforce  
21 KRS 198B.700 to 198B.738 and administrative regulations promulgated under  
22 those sections~~[thereunder]~~;
- 23 (11) Establish continuing education requirements for licensed home inspectors in  
24 accordance with KRS 198B.722 and 198B.724;
- 25 (12) Conduct disciplinary actions against licensees to include:
- 26 (a) Suspension, probation, or permanent revocation of a license;
- 27 (b) Requiring a licensee to obtain additional continuing education; and

- 1 (c) Issuance of a written reprimand;
- 2 (13) Require all fee-paid home inspections to be conducted in accordance with the
- 3 standards of practice of:
- 4 (a) The American Society of Home Inspectors;
- 5 (b) The International Association of Certified Home Inspectors; or
- 6 (c) Any other approved standards of practice that are equal to the standards of
- 7 practice of the organizations in paragraphs (a) and (b) of this subsection as
- 8 determined by the board.

9 The board may establish standards of practice for home inspectors licensed in

10 Kentucky at a later date, which will supersede any other standards of practice

11 previously adopted by the board and, if adopted by administrative regulation, the

12 standards in paragraphs (a) and (b) of this subsection;

13 (14) Exercise all other powers specifically conferred on the board under KRS 198B.700

14 to 198B.738; and

15 (15) Promulgate administrative regulations to carry out the effective administration and

16 the requirements of KRS 198B.700 to 198B.738, with the approval of the executive

17 director of the Kentucky Real Estate Authority.

18 ➔Section 27. KRS 198B.722 is amended to read as follows:

19 (1) The initial biennial license for a home inspector issued in accordance with KRS

20 198B.700 to 198B.738, shall expire on the last day of the licensee's birth month in

21 the second licensure~~[following]~~ year. The board may reduce the license fee on a pro

22 rata basis for initial licenses issued for less than twenty-four (24)~~[twelve (12)]~~

23 months.

24 (2) Renewed licenses shall expire on the last day of the licensee's birth month of each

25 even numbered year after the date of issuance of the renewed license.

26 (3) An individual who applies to renew a license as a licensed home inspector shall:

27 (a) Furnish evidence showing successful completion of the continuing education

1 requirements of this section;

2 (b) Pay the renewal fee and late fee, if applicable, established by the board;

3 (c) Show proof of general liability insurance in the amount required by KRS  
4 198B.712(3)(d); and

5 (d) Submit a recent background check performed by the Kentucky State Police.

6 (4) Renewal notices shall be sent to each licensee at least sixty (60) days prior to the  
7 expiration of the license. The notice shall inform the licensee of the need to renew  
8 and the requirement of payment of the renewal fee.

9 (5) Renewal and applicable late fees shall be paid with a credit card, a draft, a money  
10 order, a cashier's check, a certified or other personal check, or, if payment is made  
11 in person, the payment may be made in cash. If the board receives an uncertified  
12 personal check for the renewal fee and if the check does not clear the bank, the  
13 board may refuse to renew the license.

14 (6) Each licensee shall complete the continuing education required by the board prior to  
15 applying for license renewal. This requirement shall not exceed thirty (30) hours per  
16 two (2) year license cycle.

17 (7) The board may, through the promulgation of administrative regulations:

18 (a) Establish an inactive license for licensees who are not actively engaging in the  
19 home inspection business but wish to maintain their license;

20 (b) Reduce license and renewal fees for inactive licenses; and

21 (c) Waive the insurance requirements established in KRS 198B.712 for inactive  
22 licenses.

23 ➔Section 28. KRS 216A.040 is amended to read as follows:

24 (1) There shall be a Kentucky Board of Licensure for Long-term Care Administrators  
25 located within the Public Protection Cabinet ~~for administrative and budgetary~~  
26 ~~purposes~~. The board shall be composed of ten (10) members. The secretary of the  
27 Cabinet for Health and Family Services, or his or her designee, shall be an ex

1 officio member of the board. The other members of the board shall be appointed by  
 2 the Governor. **Subject to Section 16 of this Act, appointments may be made as**  
 3 **follows:**

4 **(a)** One (1) member shall be a practicing hospital administrator, to be appointed  
 5 from a list of two (2) names submitted by the Kentucky Hospital  
 6 Association;[-]

7 **(b)** One (1) member shall be a practicing medical physician;[-, to be appointed  
 8 from a list of two (2) names submitted by the Kentucky State Medical  
 9 Association.]

10 **(c)** One (1) member shall be an educator in the field of allied health services;[-]

11 **(d)** One (1) member shall be a citizen at large who is not associated with or  
 12 financially interested in the practice or business regulated;[-]

13 **(e)** One (1) member shall be a practicing long-term care administrator appointed  
 14 from a list of two (2) names submitted by LeadingAge Kentucky; **and**[-]

15 **(f)** The other four (4) members shall be practicing long-term care administrators.  
 16 **Three (3) of these members shall be** appointed from a list of two (2) names  
 17 for each vacancy submitted by the Kentucky Association of Health Care  
 18 Facilities and duly licensed under this chapter.

19 **(2)** No person who has been disciplined in the previous five (5) years by the board, or  
 20 by another state's board of licensure governing the same profession, shall be  
 21 appointed to the board.

22 ➔Section 29. KRS 216A.060 is amended to read as follows:

23 ~~[(1) The board shall elect annually from its membership a chair and vice chair.]~~The  
 24 board shall hold three (3) or more meetings each year.~~[At any meeting a majority of the~~  
 25 ~~appointed members with unexpired terms shall constitute a quorum.]~~ The board may  
 26 procure specialized consultation through the formation of **any**~~[such]~~ technical advisory  
 27 committees **to execute the board's**~~[as it may deem necessary in the execution of its]~~

1 responsibilities.

2 ~~[(2) Members of the board shall receive per diem compensation to be established by~~  
3 ~~administrative regulation. This compensation shall not exceed one hundred twenty~~  
4 ~~dollars (\$120) per day. Members shall be reimbursed for actual and necessary~~  
5 ~~expenses.]~~

6 ➔Section 30. KRS 309.081 is amended to read as follows:

7 (1) There is hereby created the Kentucky Board of Alcohol and Drug Counselors  
8 consisting of seven (7) members who shall be appointed by the Governor. One (1)  
9 member shall be a citizen at large who is not associated with or financially  
10 interested in the practice or business of alcohol and drug counseling, and the six (6)  
11 remaining members shall be licensed clinical alcohol and drug counselors or  
12 certified alcohol and drug counselors, pursuant to KRS 309.080 to 309.089~~]. The~~  
13 ~~board shall elect a chairperson each year at the first meeting called after the~~  
14 ~~appointment of new members].~~

15 (2)~~Each member of the board shall serve for a term of four (4) years with a maximum~~  
16 ~~of two (2) full consecutive terms.~~

17 (3)~~Each counselor member appointed to the board shall be a licensed clinical alcohol~~  
18 ~~and drug counselor or certified alcohol and drug counselor and shall be actively~~  
19 ~~engaged in the practice or teaching of alcohol and drug counseling in Kentucky.~~

20 (3)~~(4)~~ All reappointments to and vacancies on the board shall be filled by the  
21 Governor. **Subject to Section 16 of this Act, the Governor may select a candidate**  
22 from a list of three (3) names for each position that shall be submitted by the  
23 Kentucky Association of Addiction Professionals. The list shall consist of the three  
24 (3) nominees receiving the most votes in an election for each position to be filled.  
25 The election shall be administered by the Kentucky Association of Addiction  
26 Professionals, and nominations may be submitted by any interested party. The  
27 nominees shall be selected by all alcohol and drug counselors licensed or certified

1 under KRS 309.080 to 309.089. Vacancies shall be filled for the remainder of an  
2 unexpired term in the same manner as set out in this subsection.

3 ~~[(5) The citizen-at-large member shall be disqualified from serving on the board if:~~

4 ~~(a) The member, a person who is a part of the member's household, or the~~  
5 ~~member's relative becomes associated with or financially interested in the~~  
6 ~~business of alcohol and drug counseling, or participates or has participated in~~  
7 ~~a professional field related to alcohol and drug counseling; or~~

8 ~~(b) The member, a person who is a part of the member's household, or the~~  
9 ~~member's relative becomes, or is in training to become, a licensed clinical~~  
10 ~~alcohol and drug counselor or certified alcohol and drug counselor.~~

11 ~~(6) A counselor member of the board shall be disqualified from serving on the board if:~~

12 ~~(a) He or she violates the code of professional ethics or standards of practice~~  
13 ~~established pursuant to KRS 309.0813; or~~

14 ~~(b) He or she ceases to be a licensed clinical alcohol and drug counselor or~~  
15 ~~certified alcohol and drug counselor in Kentucky.~~

16 ~~(7) Board members shall be reimbursed for all reasonable and necessary expenses they~~  
17 ~~incur because of their board duties.]~~

18 ➔Section 31. KRS 309.0813 is amended to read as follows:

19 The board shall:

20 (1) Promulgate administrative regulations pursuant to KRS Chapter 13A for the  
21 administration and enforcement of KRS 309.080 to 309.089;

22 (2) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing a  
23 code of ethics, standards of practice, and continuing education for licensed clinical  
24 alcohol and drug counselors, licensed clinical alcohol and drug counselor  
25 associates, certified alcohol and drug counselors, and registered alcohol and drug  
26 peer support specialists;

27 (3) Approve and disapprove, at least twice a year, those persons who shall be licensed,

- 1 certified, or registered under KRS 309.080 to 309.089;
- 2 (4) Approve the examination required of applicants for licensure or certification as  
3 alcohol and drug counselors and applicants for registration as alcohol and drug peer  
4 support specialists, and promulgate administrative regulations pursuant to KRS  
5 Chapter 13A for the administration and grading of the examination;
- 6 (5) Promulgate administrative regulations pursuant to KRS Chapter 13A to define the  
7 process to register with the board as a registered alcohol and drug peer support  
8 specialist, certified alcohol and drug counselor, licensed clinical alcohol and drug  
9 counselor associate, or licensed clinical alcohol and drug counselor;
- 10 (6) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing  
11 grounds and procedures for denying, suspending, failing to reissue, or revoking a  
12 license, certificate, or registration, and issuing reprimands and admonishments  
13 pursuant to KRS 309.080 to 309.089;
- 14 (7) Hold a hearing pursuant to KRS Chapter 13B upon the request of an aggrieved  
15 licensee, licensee associate, certificate holder, or registrant, or an applicant for a  
16 license, certificate, or registration;
- 17 ~~(8) Employ needed personnel and establish their duties and compensation;~~
- 18 ~~(9)~~ Maintain a register of licensed clinical alcohol and drug counselors, licensed  
19 clinical alcohol and drug counselor associates, certified alcohol and drug  
20 counselors, and registered alcohol and drug peer support specialists;
- 21 ~~(9)~~<sup>(10)</sup> Keep a complete record of the board's proceedings;
- 22 ~~(10)~~<sup>(11)</sup> Investigate suspected or alleged violations of KRS 309.080 to 309.089 and the  
23 administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- 24 ~~(11)~~<sup>(12)</sup> Promulgate administrative regulations pursuant to KRS Chapter 13A  
25 establishing an initial licensure fee, certification fee, registration fee, and ~~annual~~  
26 renewal fees not to exceed three hundred dollars (\$300) **for** each **credentialed year**;
- 27 ~~(12)~~<sup>(13)</sup> Take legal action as necessary to restrain or enjoin violations of KRS 309.080

1 to 309.089 and the administrative regulations promulgated pursuant to KRS  
2 309.080 to 309.089;

3 ~~(13)~~~~(14)~~ Submit an annual report to the Governor and the Legislative Research  
4 Commission by September~~January~~ 1 of each year, which lists all hearings  
5 conducted by the board and the decisions rendered; and

6 ~~(14)~~~~(15)~~ Collect and deposit all fees, fines, and other moneys owed to the board into  
7 the State Treasury to the credit of the revolving fund established in KRS 309.082.

8 ➔Section 32. KRS 309.131 is amended to read as follows:

9 (1) There is hereby created the Kentucky Board of Licensure for Professional Art  
10 Therapists~~that shall be attached to the Department of Professional Licensing in the~~  
11 ~~Public Protection Cabinet for administrative purposes~~. The board shall consist of  
12 five (5) members who are United States citizens and have been Kentucky residents  
13 for at least five (5) years prior to their appointment. The board membership shall be  
14 determined as follows:

15 (a) Four (4) members shall be professional art therapists who are licensed  
16 pursuant to KRS 309.133, and shall have engaged in art therapy practice for at  
17 least five (5) years. These members shall not hold any elected or appointed  
18 office in any professional organization of art therapy or closely related field  
19 during their tenure on the board; and

20 (b) One (1) member shall represent the public. The public member shall not have  
21 been licensed or have practiced as a professional art therapist, nor have any  
22 significant financial interest, either direct or indirect, in the profession of art  
23 therapy.

24 ~~(2)~~~~All members of the board shall be appointed by the Governor for staggered terms of~~  
25 ~~four (4) years.~~

26 ~~(3)~~ The four (4) professional members shall be appointed from a list of eight (8) names  
27 submitted by the board of directors of the Kentucky Art Therapy Association, Inc.,

1        subject to Section 16 of this Act, and the one (1) public member shall be a citizen at  
 2        large~~. Each member shall hold office until a successor is appointed. Vacancies~~  
 3        ~~shall be filled in the same manner as original appointments. No board member shall~~  
 4        ~~serve more than two (2) consecutive terms].~~

5        ~~(3)~~~~(4)~~ Each board candidate shall be licensed as an art therapist prior to nomination  
 6        and shall be actively engaged in the practicing or teaching of art therapy, except for  
 7        the one (1) public member.

8        ~~[(5) Members of the board shall receive no compensation, perquisite, or allowance.~~

9        ~~(6) The board shall elect annually from its membership a chairman, secretary, and other~~  
 10        ~~officers as necessary to carry out its duties.~~

11        ~~(7) The board shall meet at least two (2) times each year. Additional meetings may be~~  
 12        ~~called by the chairman, upon the written request of at least two (2) members of the~~  
 13        ~~board. A simple majority of the board members shall constitute a quorum of the~~  
 14        ~~board.]~~

15        ➔ Section 33. KRS 309.302 is amended to read as follows:

16        (1) There is hereby created a board to be known as the "Kentucky Board of Interpreters  
 17        for the Deaf and Hard of Hearing."

18        (2) The board shall consist of seven (7) members appointed by the Governor as follows:

19        (a) Five (5) practicing interpreters who hold current nationally recognized  
 20        certification and have at least five (5) years interpreting experience;

21        (b) One (1) deaf interpreter with past or current nationally recognized  
 22        certification; and

23        (c) One (1) consumer with knowledge about interpreter issues.

24        ~~[(3) After the initial term of each appointment, all members shall be appointed for a~~  
 25        ~~term of four (4) years.~~

26        ~~(4) Board members shall not be allowed to succeed themselves but a former member~~  
 27        ~~may be reappointed to the board if that member has not served in the preceding four~~

1       ~~(4) years.~~

2       ~~(5) The members of the board shall receive no compensation for their services on the~~  
3       ~~board, but they shall be reimbursed for actual and necessary expenses incurred in~~  
4       ~~the performance of their official duties.~~

5       ~~(6) The board shall annually elect a chairman, a vice chairman, and a secretary treasurer~~  
6       ~~from the members of the board.~~

7       ~~(7) The board shall hold at least one (1) meeting annually and additional meetings as~~  
8       ~~the board may deem necessary. The additional meetings may be held upon call of~~  
9       ~~the chairman or upon written request of a quorum. Four (4) members of the board~~  
10      ~~shall constitute a quorum to conduct business.~~

11      ~~(8) Upon recommendation of the board, the Governor may remove any member of the~~  
12      ~~board for neglect of duty or malfeasance in office.]~~

13      ➔Section 34. KRS 309.304 is amended to read as follows:

14      (1) The board shall administer and enforce the provisions of this chapter and shall have  
15      the responsibility of evaluating the qualifications of applicants for licensure and the  
16      issuance of licenses.

17      (2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees,  
18      administer oaths, and investigate allegations of practices violating the provisions of  
19      this chapter.

20      (3) The board shall promulgate necessary and reasonable administrative regulations in  
21      accordance with KRS Chapter 13A and this chapter to effectively carry out and  
22      enforce the provisions of KRS 309.300 to 309.319, including administrative  
23      regulations to establish authorized fees. Fees shall not exceed amounts necessary to  
24      generate sufficient funds to effectively carry out and enforce the provisions of KRS  
25      309.300 to 309.319.

26      (4) The board may conduct hearings in accordance with KRS Chapter 13B and keep  
27      records and minutes necessary to carry out the functions of KRS 309.300 to

1 309.319.

2 (5) The board may renew licenses and require continuing education as a condition for  
3 renewal.

4 (6) The board may suspend or revoke licenses,~~[-or]~~ impose supervisory or probationary  
5 conditions upon licensees,~~[-or]~~ impose administrative disciplinary fines, issue  
6 written reprimands, or any combination *of these actions*~~[thereof]~~.

7 (7) The board may seek injunctive relief in Franklin Circuit Court to stop the unlawful  
8 practice of interpreting by unlicensed persons.

9 ~~(8) [The board may employ any persons it deems necessary to carry on the work of the  
10 board, and shall define their duties and fix their compensation.]~~

11 ~~(9) [Beginning in 1999, ]~~ On September~~[October]~~ 1 of each year, the board shall submit  
12 a report to the Legislative Research Commission indicating:

13 (a) The current number of licensed interpreters; and

14 (b) The number of complaints received against interpreters and any disciplinary  
15 action taken within the previous calendar year.

16 ➔Section 35. KRS 309.306 is amended to read as follows:

17 (1) All fees and other moneys received by the board under the provisions of KRS  
18 309.300 to 309.319 shall be deposited in the State Treasury to the credit of a  
19 revolving fund for the use of the board.

20 (2) No part of this revolving fund shall revert to the general fund of this  
21 Commonwealth.

22 (3) This revolving fund shall pay for the reimbursement of board members for actual  
23 and necessary expenses incurred in the performance of their official duties~~[-, the  
24 compensation of all of the employees of the board,]~~ and *for* those operational  
25 expenses incurred in fulfilling the board's duties as described in administrative  
26 regulation.

27 ➔Section 36. KRS 309.314 is amended to read as follows:

- 1 (1) Each person licensed as an interpreter shall ~~biennially~~<sup>annually</sup>, on or before July 1  
2 of the second year, submit to the board current proof of nationally recognized  
3 certification and pay a fee for the renewal of the interpreter license. The amount of  
4 the fee shall be promulgated by administrative regulation of the board. All licenses  
5 not renewed by July 1 of ~~the second~~<sup>each</sup> year shall expire.
- 6 (2) A sixty (60) day grace period shall be allowed after July 1 of the second year,  
7 during which time individuals may continue to practice and may renew their  
8 licenses upon payment of the renewal fee plus a late renewal fee as promulgated by  
9 administrative regulation of the board.
- 10 (3) All licenses not renewed by August 31 of the second year shall terminate based on  
11 the failure of the individual to renew in a timely manner. Upon termination, the  
12 licensee is no longer eligible to practice in the Commonwealth.
- 13 (4) After the sixty (60) day grace period, but before five (5) years from the date of  
14 termination, individuals with a terminated license may have their licenses reinstated  
15 upon payment of the renewal fee plus a reinstatement fee as promulgated by  
16 administrative regulation of the board.
- 17 (5) A suspended license is subject to expiration and termination and may be renewed as  
18 provided in KRS 309.300 to 309.319. Renewal shall not entitle the licensee to  
19 engage in the practice of interpreting until the suspension has ended or is otherwise  
20 removed by the board and the right to practice is restored by the board.
- 21 (6) A revoked license is subject to expiration and termination but shall not be renewed.  
22 If it is reinstated, the licensee shall pay the reinstatement fee as set forth in  
23 subsection (4) of this section and the renewal fee as set forth in subsection (1) of  
24 this section.
- 25 (7) The board may require that a person applying for renewal or reinstatement of  
26 licensure show evidence of completion of continuing education as prescribed by the  
27 board by administrative regulation.

1       ➔Section 37. KRS 309.329 is amended to read as follows:

- 2       (1) There is hereby created the Kentucky Board of Licensed Diabetes Educators  
3       consisting of five (5) members who shall be appointed by the Governor as follows:
- 4       (a) One (1) member shall be a licensed medical physician with experience in the  
5       delivery of diabetes education appointed from a list of three (3) names  
6       submitted by the State Board of Medical Licensure;
- 7       (b) One (1) member shall be a registered nurse with experience in diabetes  
8       education appointed from a list of three (3) names submitted by the Kentucky  
9       Board of Nursing;
- 10       (c) One (1) member shall be a pharmacist experienced in diabetes education,  
11       licensed under KRS Chapter 315, and appointed from a list of three (3) names  
12       submitted by the Kentucky Board of Pharmacy;
- 13       (d) One (1) member shall be a licensed dietitian or certified nutritionist with  
14       experience in diabetes education appointed from a list of three (3) names  
15       submitted by the Kentucky Board of Licensure and Certification for Dietitians  
16       and Nutritionists; and
- 17       (e) One (1) member shall be a citizen at large who is not employed in the health  
18       care field.
- 19       **(2)** One (1) of the members appointed under paragraph (b), (c), or (d) of ~~[-this]~~  
20       subsection **(1) of this section** shall have completed either the credentialing program  
21       of the American Association of Diabetes Educators or the National Certification  
22       Board for Diabetes Educators.
- 23       ~~[(2) (a) The Governor shall initially appoint one (1) member and the citizen at large to~~  
24       ~~terms of four (4) years, two (2) members to terms of three (3) years, and one~~  
25       ~~(1) member to a term of two (2) years.~~
- 26       ~~(b) All reappointments to the board shall be for terms of four (4) years.~~
- 27       ~~(c) No member shall serve more than two (2) consecutive terms and shall serve~~

1           ~~on the board until his or her successor is appointed.~~

2     ~~(3) The board shall organize annually and elect one (1) of its members as chair and one~~  
3       ~~(1) of its members as secretary. A quorum of the board shall consist of three (3)~~  
4       ~~members. The board shall meet at least semiannually and upon the call of the chair,~~  
5       ~~or at the request of two (2) or more members to the secretary of the board.~~

6     ~~(4) The board shall be placed for administrative purposes under the Department of~~  
7       ~~Professional Licensing of the Public Protection Cabinet.]~~

8       ➔Section 38. KRS 309.331 is amended to read as follows:

9     The board shall:

10    (1) Promulgate administrative regulations in accordance with KRS Chapter 13A to  
11       carry out and enforce KRS 309.325 to 309.339, including creating a code of ethics,  
12       standards of practice, and continuing education requirements for licensed diabetes  
13       educators, based upon policies and positions adopted by the American Association  
14       of Diabetes Educators;

15    (2) Issue initial licenses and license renewals to individuals. A license shall not be  
16       issued to a partnership, unincorporated association, corporation, or similar business  
17       organization;

18    (3) Investigate alleged violations brought to its attention, conduct investigations, and  
19       schedule and conduct administrative hearings in accordance with KRS Chapter 13B  
20       to enforce KRS 309.325 to 309.339 and administrative regulations promulgated  
21       pursuant to KRS 309.325 to 309.339. In conducting investigations, the board is  
22       authorized to:

23       (a) Administer oaths;

24       (b) Receive evidence;

25       (c) Interview persons;

26       (d) Require the production of books, papers, documents, or other evidence; and

27       (e) Institute civil and criminal proceedings against violators of KRS 309.325 to

1           309.339. The Attorney General, Commonwealth's attorneys, and county  
2           attorneys shall assist the board in prosecuting violations of KRS 309.325 to  
3           309.339;

4 (4) Keep a record of its proceedings and a register of all persons licensed as diabetes  
5           educators, including the name of the licensee, the license number, date of issue, and  
6           last known place of business. The list shall be available to anyone upon request and  
7           payment of a fee not to exceed the cost of the publication; and

8 (5) Collect or receive all moneys owed pursuant to KRS 309.333, 309.335, and 309.339  
9           and deposit all moneys into the fund established by KRS 309.333; ~~and~~

10 ~~(6) Reimburse members of the board for actual travel expenses incurred for attending~~  
11 ~~the meetings of the board].~~

12           ➔Section 39. KRS 309.335 is amended to read as follows:

13 (1) An applicant for licensure as a diabetes educator shall:

14 (a) File a written application on forms provided by the board;

15 (b) Provide evidence to the board showing successful completion of one (1) of the  
16 following:

17 1. A board-approved course in diabetes education with demonstrable  
18 experience in the care of people with diabetes under supervision that  
19 meets requirements specified in administrative regulations promulgated  
20 by the board;

21 2. The credentialing program of the American Association of Diabetes  
22 Educators or the National Certification Board for Diabetes Educators; or

23 3. An equivalent credentialing program as determined by the board; and

24 (c) Pay licensing amounts as promulgated by the board through administrative  
25 regulation, with the following restrictions:

26 1. Initial licensing shall not exceed one hundred dollars (\$100);

27 2. ~~Annual renewal shall not exceed one hundred dollars (\$100);~~

1           ~~3.~~ Biennial renewal shall not exceed two hundred dollars (\$200);  
2           ~~3.~~~~[4.]~~ Late renewal shall not exceed one hundred fifty dollars (\$150); and  
3           ~~4.~~~~[5.]~~ The reinstatement fee shall not exceed two hundred twenty-five dollars  
4                           (\$225).

- 5       (2)   (a) Licenses or permits shall be renewed~~[annually or]~~ biennially~~[if the board~~  
6                           requires biennial license renewal by administrative regulation].
- 7           (b) Licenses or permits not renewed within thirty (30) days after the renewal date  
8                           shall pay a late penalty as promulgated by the board in administrative  
9                           regulation.
- 10          (c) Licenses or permits not renewed within ninety (90) days of the renewal date  
11                           shall lapse and may only be reinstated with payment of a reinstatement fee and  
12                           initial licensing amount as promulgated by the board in administrative  
13                           regulation.
- 14          (d) An apprentice diabetes educator shall not carry a permit for more than five (5)  
15                           years without becoming licensed.

16   ~~[(3) Notwithstanding subsections (1) and (2) of this section, prior to July 1, 2014, a~~  
17           ~~person who the board finds to have successfully achieved a core body of knowledge~~  
18           ~~and skills in the biological and social sciences, communication, counseling, and~~  
19           ~~education, by training or instruction, as well as experience in the care of people with~~  
20           ~~diabetes under supervision that meets the requirements specified in administrative~~  
21           ~~regulations promulgated by the board, may be issued an initial license by the board~~  
22           ~~upon payment of an initial licensing fee, completion of a written application on~~  
23           ~~forms provided by the board, and submission of any other information requested by~~  
24           ~~the board.~~

25   ~~(4) Until May 1, 2014, notwithstanding subsection (1) of this section, individuals who~~  
26           ~~have practiced diabetes education for a minimum of one thousand (1,000) hours per~~  
27           ~~year for the past three (3) years, but are not currently credentialed by the American~~

1       ~~Association of Diabetes Educators as a board-certified advanced diabetes manager~~  
2       ~~or by the National Certification Board for Diabetes Educators as a certified diabetes~~  
3       ~~educator, may apply to the board for licensure as a diabetes educator by submitting~~  
4       ~~the initial licensure fee and proof of employment, in order to continue to practice~~  
5       ~~diabetes education, as defined by KRS 309.325(2).]~~

6       ➔Section 40. KRS 309.354 is amended to read as follows:

- 7       (1) There is created a board to be known as the Kentucky Board of Licensure for  
8       Massage Therapy~~, which shall be an independent agency].~~
- 9       (2) The Governor shall appoint seven (7) members to serve on the board with the  
10       following representation:
- 11       (a) Five (5) members who are massage therapists licensed under KRS 309.350 to  
12       309.364, who have been in the practice of massage therapy for at least five (5)  
13       of the last seven (7) years, and who have been residents of Kentucky for at  
14       least one (1) year;
- 15       (b) Of these five (5), at least one (1) but no more than two (2) shall own or direct  
16       a board-approved massage therapy training program; and
- 17       (c) Two (2) members shall be appointed by the Governor and shall serve as  
18       members at large who are neither licensed massage therapists nor spouses of  
19       persons who are licensed, or have a direct or indirect interest in the profession  
20       regulated under KRS 309.350 to 309.364. One (1) of the two (2) may hold a  
21       license in another health care profession.
- 22       ~~[(3) Appointments shall be for three (3) years with initial appointments as follows: three~~  
23       ~~(3) appointees shall serve three (3) year terms; two (2) shall serve two (2) year~~  
24       ~~terms; and two (2) shall serve one (1) year terms. The Governor shall assign terms~~  
25       ~~to initial members at his or her discretion.~~
- 26       ~~(4) The board shall elect initially, and annually thereafter, a chair, vice chair, and~~  
27       ~~secretary from its membership and shall meet at least once per year, and more often~~

1 ~~as deemed necessary, at a time and at a place in Kentucky for the board to fulfill its~~  
2 ~~duties.~~

3 ~~(5) Each member of the board shall receive a per diem not to exceed one hundred~~  
4 ~~dollars (\$100) and other actual and necessary expenses for each day he or she is~~  
5 ~~actually engaged in the discharge of the board's official duties.~~

6 ~~(6) Upon recommendation of the board, the Governor may remove any member of the~~  
7 ~~board for a poor attendance record, neglect of duty, or malfeasance in office.]~~

8 ➔Section 41. KRS 309.355 is amended to read as follows:

9 (1) The board shall administer and enforce the provisions of KRS 309.350 to 309.364  
10 and shall have the responsibility to evaluate the qualifications of applicants for  
11 licensure and to authorize issuing, renewing, suspending, and revoking licenses.

12 (2) The board shall investigate alleged violations brought to its attention, conduct  
13 investigations, and schedule and conduct administrative hearings in accordance with  
14 KRS Chapter 13B to enforce the provisions of KRS 309.350 to 309.364 and  
15 administrative regulations promulgated pursuant to KRS 309.350 to 309.364. The  
16 board may~~shall have the authority to~~ administer oaths, receive evidence, interview  
17 persons, and require the production of books, papers, documents, or other evidence.  
18 The board may institute civil and criminal proceedings against violators of KRS  
19 309.350 to 309.364. The Attorney General, Commonwealth's attorneys, and county  
20 attorneys shall assist the board in prosecuting violations of KRS 309.350 to  
21 309.364.

22 (3) The board shall promulgate administrative regulations, pursuant to KRS Chapter  
23 13A, to carry out and enforce provisions of KRS 309.350 to 309.364, including  
24 creating a code of ethics, standards of practice, standards of educational program  
25 curriculum and instructor qualification, and continuing education requirements for  
26 licensed massage therapists.

27 (4) The board shall keep a record of its proceedings and a register of all persons

1 licensed as massage therapists. The register shall include the name, license number  
2 and date of issue, last known place of business, and residence of each licensee. The  
3 board shall publish annually a directory of licensed massage therapists and their  
4 places of business. The list shall be available to any Kentucky citizen upon request  
5 and payment of a fee not to exceed the cost of the publication.

6 (5) The board shall make an annual report to the Governor and the Legislative  
7 Research Commission~~[General Assembly]~~, which shall contain an account of its  
8 duties performed, actions taken, and appropriate recommendations.

9 (6) The board may seek an injunction in the Circuit Court of the county where the  
10 alleged violation occurred against any individual who practices massage therapy in  
11 the Commonwealth without a license.

12 ➔Section 42. KRS 309.356 is amended to read as follows:

13 (1) All fees and other moneys received by the board pursuant to~~[the provisions of]~~  
14 KRS 309.350 to 309.364 shall be deposited in the State Treasury to the credit of a  
15 revolving fund for the use of the board.

16 (2) No part of this revolving fund shall revert to the general funds of this  
17 Commonwealth.

18 (3) The compensation of members of the board~~[and all of the employees of the board]~~  
19 and all expenses incurred by the board shall be paid from this revolving fund.

20 ➔Section 43. KRS 309.404 is amended to read as follows:

21 (1) There is hereby created the Kentucky Board of Durable Medical Equipment  
22 Suppliers~~[that shall be attached for administrative purposes to the Department of~~  
23 ~~Professional Licensing in the Public Protection Cabinet]~~. The board shall consist of  
24 five (5) members, each appointed by the Governor. Four (4) members may~~[shall]~~ be  
25 appointed from a list of three (3) names for each position submitted by the  
26 Kentucky Medical Equipment Suppliers Association, subject to Section 16 of this  
27 Act. One (1) member shall be a citizen at large who is not associated with or

1 financially interested in the practice or business regulated. ~~Any vacancy shall be~~  
2 ~~filled for the unexpired term by the Governor, as provided in the original~~  
3 ~~appointment.]~~

4 (2) To be eligible for appointment as a member of the board, a person shall be at least  
5 twenty-one (21) years of age, of good moral character, a resident of this state, and, if  
6 a supplier member, a licensed durable medical equipment services provider in this  
7 state for at least three (3) consecutive years next preceding the date of his or her  
8 appointment.

9 ~~(3) [The terms of office of each member shall be four (4) years, or until a successor is~~  
10 ~~appointed and qualified.]~~

11 ~~(4) The board shall elect one (1) of its members as president and another of its~~  
12 ~~members as secretary. The secretary may, subject to approval by the board, employ~~  
13 ~~and fix the compensation of all personnel required for the administration of KRS~~  
14 ~~309.400 to 309.422.]~~The board may make all rules and promulgate all  
15 administrative regulations, not inconsistent with KRS 309.400 to 309.422, that are  
16 necessary to implement and carry out the provisions and purposes of KRS 309.400  
17 to 309.422.

18 ~~[(5) The board shall hold meetings at least twice a year and as frequently as it deems~~  
19 ~~necessary at a time and place within the Commonwealth as the board may~~  
20 ~~designate. A majority of the members shall constitute a quorum.]~~

21 ~~(4)~~~~[(6)]~~ The board may sue and be sued in its own name.

22 ~~(5)~~~~[(7)]~~ Members of the board shall be immune from suit in any civil or criminal  
23 action which is based upon any official act or acts performed by them in good faith  
24 as members of the board.

25 ~~[(8) Members of the board shall receive no compensation for their services, but shall be~~  
26 ~~paid for actual travel and other expenses incurred in connection with the~~  
27 ~~performance of their duties and the business of the board.]~~

1 ~~(6)~~<sup>(9)</sup> The board may utilize any materials, services, or facilities that are~~[as may be]~~  
2 made available to it by other state agencies or may contract therefor, to the extent as  
3 the board in its discretion may determine.

4 ➔Section 44. KRS 310.040 is amended to read as follows:

5 (1) The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists  
6 is hereby created to be composed~~[comprised]~~ of seven (7) members appointed by  
7 the Governor. Three (3) members shall be licensed dietitians, three (3) members  
8 shall be certified nutritionists, and one (1) member shall be a public member who  
9 shall have no pecuniary interest in the nutrition field. Of the members from the  
10 nutrition field, one (1) shall represent hospitals, one (1) shall represent health care  
11 facilities other than hospitals, one (1) shall represent state or local nutritional  
12 programs or shall be in private practice and one (1) shall be a dietetic educator.  
13 Subject to Section 16 of this Act, appointments may be made from a list of  
14 nominees submitted to the Governor by the Kentucky Dietetic Association, the  
15 Kentucky Hospital Association, the Kentucky Association of Health Care Facilities,  
16 and the Kentucky Medical Association.

17 ~~(2) [Each member of the board shall serve for a term of four (4) years, except that for~~  
18 ~~initial appointments, one (1) shall be for four (4) years, two (2) shall be for three (3)~~  
19 ~~years, and two (2) shall be for two (2) years and one (1) shall be for one (1) year. No~~  
20 ~~member shall serve more than two (2) consecutive terms and each member on July~~  
21 ~~15, 1994, shall serve on the board until his successor is appointed. Vacancies shall~~  
22 ~~be filled by appointment of the Governor for the unexpired term.~~

23 ~~(3) The board shall organize annually and elect one (1) of its members as chairman and~~  
24 ~~one (1) of its members as secretary. A quorum of the board shall consist of four (4)~~  
25 ~~members.]~~The board shall meet at least quarterly and upon the call of the chairman,  
26 or at the request of two (2) or more members to the secretary of the board.

27 ~~(3)~~<sup>(4)</sup> ~~[Each member of the board shall receive compensation for services in an~~

1       ~~amount determined by the department, not to exceed one hundred dollars (\$100)~~  
2       ~~dollars per meeting. The members shall be reimbursed for all travel expenses for~~  
3       ~~attending the meetings of the board. ]~~The compensation of members~~[and~~  
4       ~~employees]~~ of the board shall be paid from the revolving fund established in KRS  
5       310.041(7).

6       ➔Section 45. KRS 310.041 is amended to read as follows:

7       The board shall:

- 8       (1) Promulgate administrative regulations in accordance with KRS Chapter 13A  
9       implementing the provisions of KRS 310.005, 310.021, 310.031, 310.040, 310.041,  
10       310.042, 310.050, 310.070, and 310.990;
- 11       (2) Issue initial licenses and certificates and license and certificate renewals;
- 12       (3) Notify in writing any person determined by the board to be in violation of this  
13       chapter or the administrative regulations promulgated *under this*  
14       *chapter*~~[thereunder]~~. The notification shall state that the person may request a  
15       hearing by the board within an amount of time specified by the board. If a hearing is  
16       requested, the hearing shall be conducted in accordance with KRS Chapter 13B. If  
17       the person fails to request the hearing, or if the board determines from the hearing  
18       that the person is in violation of this chapter or the administrative regulations  
19       promulgated *under this chapter*~~[thereunder]~~, the board may apply to the Circuit  
20       Court of the county in which the violation occurred for an injunction or other  
21       appropriate restraining order to prohibit the continued violation;
- 22       (4) Publish and make available to the public, upon request and for a fee not to exceed  
23       the actual cost of printing and mailing, the administrative regulations of the board  
24       and the requirements for licensure and certification;
- 25       (5) Establish fees, subject to maximum limitations prescribed in this chapter, in  
26       amounts sufficient to pay the expenses of the board directly attributable to the  
27       performance of its duties pursuant to the provisions of this chapter;

- 1 (6) Review and approve or reject the qualifications of all applicants for licensure and  
 2 certification and issue all approved licenses and certificates;
- 3 (7) Collect or receive all fees, fines, and moneys owed pursuant to the provisions of this  
 4 chapter and to deposit all fees, fines, and moneys into the State Treasury to the  
 5 credit of a revolving fund for the use of the board. No part of this revolving fund  
 6 shall revert to the general funds of this Commonwealth;
- 7 (8) Deny, suspend, or revoke the license or certification of or to otherwise discipline or  
 8 fine, by administrative penalty not to exceed five hundred dollars (\$500), or  
 9 reprimand a license or certificate holder found guilty of violating ~~any provisions~~  
 10 ~~of~~ this chapter or the administrative regulations promulgated under this  
 11 chapter~~[thereunder]~~;
- 12 (9) Receive and investigate any complaint against a licensee;
- 13 (10) Promulgate administrative regulations in accordance with KRS Chapter 13A to  
 14 establish conditions for granting a retired or inactive licensure status; and
- 15 (11)~~(10)~~ Promulgate administrative regulations in accordance with KRS Chapter 13A  
 16 to establish procedures to permit a licensee or certificate holder to voluntarily  
 17 relinquish a license or certificate and conditions to reinstate a voluntarily  
 18 relinquished license or certificate.
- 19 ➔Section 46. KRS 310.050 is amended to read as follows:
- 20 (1) The board, by duly-promulgated administrative regulation, shall establish fees for  
 21 the application, reinstatement, and renewal of a license or certificate and fees for  
 22 reciprocal and duplicate licensure or certification.
- 23 (2) No fee shall exceed fifty dollars (\$50) per licensure year.
- 24 (3) A license or certificate shall be renewed biennially~~annually~~ and only upon timely  
 25 payment of the renewal fee and documented successful completion of continuing  
 26 education as required by the board.
- 27 (4) A licensee or certificate holder who fails to renew his or her license or certificate

1 within sixty (60) days after renewal becomes due shall have the license or certificate  
 2 automatically revoked without further notice or hearing. Any person whose license  
 3 or certificate is automatically revoked as provided in this subsection may have the  
 4 license or certificate reinstated by the board in its discretion upon payment of all  
 5 past-due renewal fees and a reinstatement fee.

6 (5) Subsections (3) and (4) of this section shall not apply if the board has granted the  
 7 license or certificate holder a special license or certificate status under subsections  
 8 (10) and (11) of Section 45 of this Act ~~[KRS 310.041(9) or (10)]~~.

9 ➔Section 47. KRS 311.410 is amended to read as follows:

10 (1) There is hereby created in the government of the Commonwealth a State Board of  
 11 Podiatry which shall consist of five (5) members, each appointed by the Governor.

12 Subject to Section 16 of this Act, four (4) members shall be appointed from lists of  
 13 three (3) names for each position submitted by the Kentucky Podiatry Association.  
 14 One (1) member shall be a citizen at large who is not associated with or financially  
 15 interested in the practice or business regulated. ~~[Any vacancy shall be filled for the~~  
 16 ~~unexpired term by the Governor, as provided in the original appointment.]~~

17 (2) ~~[A person]~~ To be eligible for appointment as a podiatrist member of the board, a  
 18 person shall be at least twenty-one (21) years of age, of good moral character, a  
 19 resident of this state, and a licensed practicing podiatrist in this state for at least five  
 20 (5) consecutive years next preceding the date of his or her appointment. No  
 21 member of the board shall be a stockholder, officer, or member of the faculty or  
 22 board of trustees of any school, college, or institution of podiatry or chiropody.

23 (3) ~~[The terms of office of each member shall be four (4) years, or until his successor~~  
 24 ~~shall be appointed and qualified.]~~

25 (4) ~~The board shall elect one (1) of its members as president and another of its~~  
 26 ~~members as secretary. The secretary may, subject to approval by the board, employ~~  
 27 ~~and fix the compensation of all personnel required for the administration of KRS~~

1       ~~311.390 to 311.510.~~ The board may make all ***necessary*** rules and ***administrative***  
2 regulations, not inconsistent with KRS 311.390 to 311.510,~~[as may be necessary]~~  
3 to implement and carry out the provisions and purposes of KRS 311.390 to  
4 311.510.

5 ~~[(5) The board shall hold meetings at least twice a year and as frequently as it deems~~  
6 ~~necessary at such times and places as the board may designate. A majority of the~~  
7 ~~members shall constitute a quorum.]~~

8 ~~(4)~~~~[(6)]~~ The board may sue and be sued in its own name.

9 ~~[(7) Members of the board shall be immune from suit in any civil or criminal action~~  
10 ~~which is based upon any official act or acts performed by them in good faith as~~  
11 ~~members of the board.]~~

12 ➔Section 48. KRS 311.420 is amended to read as follows:

13 (1) The board shall conduct examinations at least twice a year at~~[such]~~ times and  
14 places~~[as]~~ the board deems convenient for applicants for licenses to practice  
15 podiatry in this state, and shall admit to examination any applicant who:

16 (a) Is at least eighteen (18) years of age;

17 (b) Is a citizen of the United States and a resident of the State of Kentucky;

18 (c) Is of good moral character and temperate habits; and

19 (d) Has completed a course in and graduated from a school or college of podiatry  
20 approved by the board.

21 (2) The board shall prescribe the time, place, method, manner, scope, and content of  
22 examinations ***to practice podiatry consistent with***~~[as relates to]~~ KRS 311.380(2);  
23 and the board may accept certified, successful National Board of Podiatry  
24 examinations in lieu of its written examination.

25 (3) Applicants for examination shall present their credentials to the board by mail upon  
26 forms furnished by the board, and shall receive due notice of the place and date of  
27 the examination. Each application shall contain proof of the qualifications required

1 of the applicant, shall be verified by the applicant under oath, and shall be  
2 accompanied by an examination fee set by the board.

3 (4) The board shall issue a license to any person who complies with the provisions of  
4 KRS 311.380 to 311.510 and who satisfactorily passes the examination.

5 ~~(5) The members of the board shall receive no compensation for their services, but shall  
6 be paid their traveling and other necessary expenses while employed upon the  
7 business of the board.~~

8 ~~(6)~~ The board may, in good faith, adopt rules and promulgate administrative  
9 regulations to license and control those persons who may become formally  
10 educated, or by years of employment by a licensed podiatrist, as a podiatric  
11 assistant.

12 ~~(6)~~~~(7)~~ The board may utilize any available~~such~~ materials, services, or facilities  
13 from~~as may be made available to it by~~ other state agencies or may contract  
14 therefor, to the~~such~~ extent as the board~~in its discretion,~~ may determine.

15 ➔Section 49. KRS 311.450 is amended to read as follows:

16 (1) Every license issued for the practice of podiatry shall be for two (2) years and shall  
17 expire on June 30 following the expiration date~~of issuance~~ unless sooner revoked  
18 and canceled.

19 (2) On or before June 1 of each year, the board shall send notices to all licensed  
20 podiatrists in this state who are in the second year of their license, at their last  
21 known addresses, advising them that the term of their license is about to expire  
22 and that the~~annual~~ license renewal fee is due on July 1 of that~~each~~ year. Every  
23 registered podiatrist shall renew his or her license on or before July 1 of the  
24 podiatrist's renewal~~each~~ year by the payment to the board of a~~an annual~~ license  
25 renewal fee which shall be a reasonable fee set by administrative regulation of the  
26 board and upon submission of a statement of compliance with the continuing  
27 education administrative regulations of the board. If this~~such~~ renewal fee is not

1 paid or ~~the~~<sup>[such]</sup> statement of compliance is not submitted on or before July 1 *of*  
 2 *the renewal year*, the board shall notify the delinquent licensee by mail at *the*  
 3 *licensee's*<sup>[his]</sup> last known address that ~~the~~<sup>[such]</sup> fee and statement are past due and  
 4 that a delinquent penalty fee is assessed, in addition to the renewal fee and that the  
 5 renewal fee and penalty ~~shall~~<sup>[must]</sup> be paid and the statement of compliance  
 6 submitted on or before January 1. If ~~the~~<sup>[such]</sup> fees, penalties, and statement are not  
 7 submitted by January 1, ~~it shall be the duty of~~ the board ~~shall~~<sup>[to]</sup> suspend or  
 8 revoke the license for nonpayment of the ~~annual~~ renewal and delinquent fees or  
 9 for failure to submit the statement of compliance for the current *licensing*  
 10 *cycle*<sup>[year]</sup>.

11 (3) All fees collected under ~~the provisions of~~ KRS 311.380 to 311.510, or the rules  
 12 and *administrative* regulations *promulgated under those sections*<sup>[adopted pursuant</sup>  
 13 ~~thereto]~~, shall be paid into the State Treasury, and credited to a trust and agency  
 14 fund to be used in defraying the costs and expenses in the administration of KRS  
 15 311.380 to 311.510 including, but not limited to, ~~salaries and~~ necessary travel  
 16 expenses. No part of this fund shall revert to the general funds of this  
 17 Commonwealth.

18 ➔Section 50. KRS 311.530 is amended to read as follows:

19 (1) There is hereby created in state government ~~an independent board to be known as~~  
 20 the State Board of Medical Licensure, which shall exercise all medical and  
 21 osteopathic licensure functions *previously*<sup>[heretofore]</sup> exercised by the State Board  
 22 of Health. The offices of the board shall be maintained at ~~a~~<sup>[such]</sup> place ~~as is~~  
 23 designated by the board.

24 (2) The board shall consist of fifteen (15) members, including the commissioner of  
 25 public health, the dean of the University of Kentucky College of Medicine, the vice  
 26 dean for clinical affairs of the University of Louisville School of Medicine, the dean  
 27 of the University of Pikeville School of Osteopathic Medicine, and eleven (11)

1 members appointed by the Governor.

2 (3) **Subject to Section 16 of this Act,** of the Governor's appointees:

3 (a) One (1) member shall be a licensed osteopathic physician and shall be  
4 appointed from a list of three (3) names submitted by the Kentucky  
5 Osteopathic Medical Association;

6 (b) **Six (6)**~~Seven (7)~~ members shall be licensed medical physicians and shall be  
7 appointed from a list of three (3) names submitted for each position by the  
8 Kentucky Medical Association; and

9 (c) Three (3) members shall be citizens at large who are representatives of any  
10 recognized consumer advocacy groups with an interest in the delivery of  
11 health care and are not associated with or financially interested in the practice  
12 or business regulated.

13 ➔Section 51. KRS 311.535 is amended to read as follows:

14 **(1)** The appointed members of the State Board of Medical Licensure shall hold office  
15 for terms of **three (3)**~~four (4)~~ years ~~and until their successors are appointed and~~  
16 ~~qualify~~. The commissioner of public health and the deans of the medical schools  
17 shall hold office only while holding their respective titles. The terms of all  
18 appointed members of the board shall expire on August 31 of the last year of their  
19 respective terms.

20 **(2) Any member of the board may administer oaths in matters pertaining to official**  
21 **duties.**

22 ➔Section 52. KRS 311.545 is amended to read as follows:

23 The State Board of Medical Licensure may utilize **any**~~such~~ materials, services, or  
24 facilities **from**~~as may be made available to it by~~ other state agencies or may contract  
25 therefor~~, to such extent or degree as the board, in its discretion, may determine~~. It shall  
26 keep accurate records of its activities, reporting annually to the Governor **and the**  
27 **Legislative Research Commission.**

1           ➔Section 53. KRS 311.550 is amended to read as follows:

2   As used in KRS 311.530 to 311.620 and KRS 311.990(4) to (6):

- 3   (1) "Board" means the State Board of Medical Licensure;
- 4   (2) "President" means the president of the State Board of Medical Licensure;
- 5   (3) "Secretary" means the secretary of the State Board of Medical Licensure;
- 6   (4) "Executive director" means the executive director of the ~~State Board of~~ Medical  
7   Licensure Authority or any assistant executive director of the Medical Licensing  
8   Authority~~[directors appointed by the board];~~
- 9   (5) "General counsel" means the general counsel of the State Board of Medical  
10   Licensure or any assistant general counsel~~[appointed by the board];~~
- 11   (6) "Regular license" means a license to practice medicine or osteopathy at any place in  
12   this state;
- 13   (7) "Limited license" means a license to practice medicine or osteopathy in a specific  
14   institution or locale to the extent indicated in the license;
- 15   (8) "Temporary permit" means a permit issued to a person who has applied for a regular  
16   license, and who appears from verifiable information in the application to the  
17   executive director to be qualified and eligible therefor;
- 18   (9) "Emergency permit" means a permit issued to a physician currently licensed in  
19   another state, authorizing the physician to practice in this state for the duration of a  
20   specific medical emergency, not to exceed thirty (30) days;
- 21   (10) Except as provided in subsection (11) of this section, the "practice of medicine or  
22   osteopathy" means the diagnosis, treatment, or correction of any and all human  
23   conditions, ailments, diseases, injuries, or infirmities by any and all means,  
24   methods, devices, or instrumentalities;
- 25   (11) The "practice of medicine or osteopathy" does not include the practice of Christian  
26   Science, the domestic administration of family remedies, the rendering of first aid  
27   or medical assistance in an emergency in the absence of a person licensed to

1 practice medicine or osteopathy under ~~the provisions of~~ this chapter, the use of  
2 automatic external defibrillators in accordance with ~~the provisions of~~ KRS  
3 311.665 to 311.669, the practice of podiatry as defined in KRS 311.380, the practice  
4 of a midlevel health care practitioner as defined in KRS 216.900, the practice of  
5 dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS  
6 320.210, the practice of chiropractic as defined in subsection (2) of KRS 312.015,  
7 the practice as a nurse as defined in KRS 314.011, the practice of physical therapy  
8 as defined in KRS 327.010, the practice of genetic counseling as defined in KRS  
9 311.690, the performance of duties for which they have been trained by paramedics  
10 licensed under KRS Chapter 311A, first responders, or emergency medical  
11 technicians certified under Chapter 311A, the practice of pharmacy by persons  
12 licensed and registered under KRS 315.050, the sale of drugs, nostrums, patented or  
13 proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses, instruments,  
14 apparatus, or mechanisms that are intended, advertised, or represented as being for  
15 the treatment, correction, cure, or relief of any human ailment, disease, injury,  
16 infirmity, or condition, in regular mercantile establishments, or the practice of  
17 midwifery by women. KRS 311.530 to 311.620 shall not be construed as repealing  
18 the authority conferred on the Cabinet for Health and Family Services by KRS  
19 Chapter 211 to provide for the instruction, examination, licensing, and registration  
20 of all midwives through county health officers;

21 (12) "Physician" means a doctor of medicine or a doctor of osteopathy;

22 (13) "Grievance" means any allegation in whatever form alleging misconduct by a  
23 physician;

24 (14) "Charge" means a specific allegation alleging a violation of a specified provision of  
25 this chapter;

26 (15) "Complaint" means a formal administrative pleading that sets forth charges against  
27 a physician and commences a formal disciplinary proceeding;

- 1 (16) As used in KRS 311.595(4), "crimes involving moral turpitude" shall mean those  
2 crimes which have dishonesty as a fundamental and necessary element, including  
3 but not limited to crimes involving theft, embezzlement, false swearing, perjury,  
4 fraud, or misrepresentation;
- 5 (17) "Telehealth" means the use of interactive audio, video, or other electronic media to  
6 deliver health care. It includes the use of electronic media for diagnosis,  
7 consultation, treatment, transfer of medical data, and medical education;
- 8 (18) "Order" means a direction of the board or its panels made or entered in writing that  
9 determines some point or directs some step in the proceeding and is not included in  
10 the final order;
- 11 (19) "Agreed order" means a written document that includes but is not limited to  
12 stipulations of fact or stipulated conclusions of law that finally resolves a grievance,  
13 a complaint, or a show cause order issued informally without expectation of further  
14 formal proceedings in accordance with KRS 311.591(6);
- 15 (20) "Final order" means an order issued by the hearing panel that imposes one (1) or  
16 more disciplinary sanctions authorized by this chapter;
- 17 (21) "Letter of agreement" means a written document that informally resolves a  
18 grievance, a complaint, or a show cause order and is confidential in accordance with  
19 KRS 311.619;
- 20 (22) "Letter of concern" means an advisory letter to notify a physician that, although  
21 there is insufficient evidence to support disciplinary action, the board believes the  
22 physician should modify or eliminate certain practices and that the continuation of  
23 those practices may result in action against the physician's license;
- 24 (23) "Motion to revoke probation" means a pleading filed by the board alleging that the  
25 licensee has violated a term or condition of probation and that fixes a date and time  
26 for a revocation hearing;
- 27 (24) "Revocation hearing" means a hearing conducted in accordance with KRS Chapter

1 13B to determine whether the licensee has violated a term or condition of probation;

2 (25) "Chronic or persistent alcoholic" means an individual who is suffering from a  
3 medically diagnosable disease characterized by chronic, habitual, or periodic  
4 consumption of alcoholic beverages resulting in the interference with the  
5 individual's social or economic functions in the community or the loss of powers of  
6 self-control regarding the use of alcoholic beverages;

7 (26) "Addicted to a controlled substance" means an individual who is suffering from a  
8 medically diagnosable disease characterized by chronic, habitual, or periodic use of  
9 any narcotic drug or controlled substance resulting in the interference with the  
10 individual's social or economic functions in the community or the loss of powers of  
11 self-control regarding the use of any narcotic drug or controlled substance;

12 (27) "Provisional permit" means a temporary permit issued to a licensee engaged in the  
13 active practice of medicine within this Commonwealth who has admitted to  
14 violating any provision of KRS 311.595 that permits the licensee to continue the  
15 practice of medicine until the board issues a final order on the registration or  
16 reregistration of the licensee;

17 (28) "Fellowship training license" means a license to practice medicine or osteopathy in  
18 a fellowship training program as specified by the license; and

19 (29) "Special faculty license" means a license to practice medicine that is limited to the  
20 extent that this practice is incidental to a necessary part of the practitioner's  
21 academic appointment at an accredited medical school program or osteopathic  
22 school program and any affiliated institution for which the medical school or  
23 osteopathic school has assumed direct responsibility.

24 ➔Section 54. KRS 311.555 is amended to read as follows:

25 It is the declared policy of the General Assembly of Kentucky that the practice of  
26 medicine and osteopathy should be regulated and controlled as provided in KRS 311.530  
27 to 311.620 in order to prevent empiricism and to protect the health and safety of the

1 public. Further, the General Assembly of Kentucky has created the board, as defined in  
2 KRS 311.530~~[, to function as an independent board]~~, the majority of whose members are  
3 licensed physicians, with the intent that such a peer group is best qualified to regulate,  
4 control, and otherwise discipline the licensees who practice medicine and osteopathy  
5 within the Commonwealth of Kentucky. In furtherance of this intent, the judiciary of the  
6 Commonwealth of Kentucky, who may be caused to review the actions of the board, shall  
7 not interfere or enjoin the board's actions until all administrative remedies are exhausted,  
8 and modify, remand, or otherwise disturb those actions only in the event that the action of  
9 the board:

- 10 (1) Constitutes a clear abuse of its discretion;
- 11 (2) Is clearly beyond its legislative delegated authority; or
- 12 (3) Violated the procedure for disciplinary action as described in KRS 311.591.

13 ➔Section 55. KRS 311.565 is amended to read as follows:

14 (1) The board may:

- 15 (a) Exercise all the administrative functions of the state in the prevention of  
16 empiricism and in the regulation of the practice of medicine and osteopathy,  
17 which shall include but not be limited to promulgation of reasonable  
18 administrative regulations enabling the board to regulate the conduct of its  
19 licensees;
- 20 (b) Promulgate reasonable administrative regulations establishing moral, physical,  
21 intellectual, educational, scientific, technical, and professional qualifications  
22 of applicants for licenses and permits that may be issued by the board;
- 23 (c) Issue, deny, suspend, limit, restrict, and revoke any licenses or permits that  
24 may be issued by the board, and to reprimand or to place licensees on  
25 probation, in compliance with~~[the provisions of]~~ KRS 311.530 to 311.620;
- 26 (d) **Be assisted by**~~[Appoint]~~ an executive director and assistant executive  
27 directors~~[and fix their compensation]~~. The executive director shall oversee

- 1 the work of the board, shall be authorized to discharge the duties of the  
2 secretary, as provided by KRS 311.530 to 311.620, and shall carry out the  
3 duties of the executive director as set forth elsewhere in this chapter;
- 4 (e) Utilize the services of~~Appoint~~ a general counsel and assistant general  
5 counsel ~~and fix their compensation~~;
- 6 (f) Use~~Appoint~~ investigatory personnel ~~and fix their compensation~~;
- 7 (g) Appoint one (1) or more hearing officers, who need not be members of the  
8 board~~, and fix their compensation~~. Every hearing officer shall be vested with  
9 the full and complete power and authority of the board to schedule and  
10 conduct hearings on behalf of and in the name of the board on all matters  
11 referred for hearing by the board or secretary thereof, including, among other  
12 things, proceedings for placing licensees on probation and for limitation,  
13 suspension, and revocation of licenses. All administrative hearings conducted  
14 by the board, a member of the board, or a hearing officer appointed by the  
15 board, shall be conducted in accordance with KRS Chapter 13B. No hearing  
16 officer shall be empowered to place any licensee on probation or to issue,  
17 refuse, suspend, limit, or revoke any license;
- 18 (h) Appoint committees of licensees, who need not be board members, to review  
19 issues of public or medical interest before the board and to make  
20 recommendations to the board on the issues;
- 21 (i) Promulgate administrative regulations to promote the efficient and fair  
22 conduct of disciplinary proceedings;
- 23 (j) Promulgate a code of conduct governing the practice of medicine and  
24 osteopathy, which shall be based upon generally recognized principles of  
25 professional ethical conduct;
- 26 (k) Utilize the services and facilities of professional organizations, and procure  
27 and receive the assistance and recommendations of professional organizations

- 1 in administering KRS 311.530 to 311.620;
- 2 (l) Make its personnel and facilities available to other governmental entities  
3 under mutually agreeable terms and conditions;
- 4 (m) Issue regular licenses without further testing by endorsement from another  
5 state having qualifications and standards at least as high as those of this state  
6 or by endorsement from the National Board of Medical Examiners, the  
7 National Board of Examiners for Osteopathic Physicians and Surgeons, the  
8 National Joint Committee of Preregistration Physician Training Programs, or  
9 their~~any~~ approved successors~~thereof~~;
- 10 (n) Issue and renew regular licenses to practice medicine or osteopathy in  
11 accordance with KRS 311.530 to 311.620 and any reasonable administrative  
12 regulations of the board;
- 13 (o) Issue and renew, or refuse to issue or renew, or cancel and terminate limited  
14 licenses pursuant to administrative regulations promulgated by the board;  
15 provided however, no person who held a limited license for institutional  
16 practice or general practice as of September 1, 1972, shall be denied the  
17 renewal of that limited license for nondisciplinary reasons;
- 18 (p) Appoint examiners, who need not be members of the board, and employ or  
19 contract with the Federation of State Medical Boards of the United States,  
20 Inc., or the National Board of Medical Examiners or other organizations,  
21 agencies, or individuals to prepare examination questions and grade  
22 examination papers;
- 23 (q) Determine the schools, colleges, universities, institutions, and training  
24 acceptable in connection with licensure under KRS 311.530 to 311.620;
- 25 (r) Prescribe the time, place, method, manner, scope, and content of  
26 examinations;
- 27 (s) Prescribe all forms which it considers appropriate, and require the submission

- 1 of photographs, fingerprints, and personal history data;
- 2 (t) Require a criminal background investigation of all persons applying for  
3 licensure at the time of initial application, and at other times at the request of  
4 the board for good cause shown, by means of a fingerprint check by the  
5 Department of Kentucky State Police and Federal Bureau of Investigation;
- 6 (u) Prescribe and collect reasonable fees and charges for examinations,  
7 directories, and the issuance and renewal of licenses and permits; and
- 8 (v) Impose fines of not greater than five thousand dollars (\$5,000) per violation  
9 and require the licensee to reimburse the board for the costs of the  
10 administrative proceedings including consultant fees, upon a finding pursuant  
11 to disciplinary proceedings that the licensee has violated~~[any provision of]~~  
12 KRS 311.595 to 311.597 or duly promulgated disciplinary administrative  
13 regulation of the board.
- 14 (2) The board shall develop specific guidelines to follow upon receipt of an allegation  
15 of sexual misconduct by a physician licensed by the board. The guidelines shall  
16 include investigation, inquiry, and hearing procedures which ensure that the process  
17 does not revictimize the alleged victim or cause harm if a physician is falsely  
18 accused.
- 19 (3) The board, the hearing officer, and investigators used~~hired~~ by the board shall  
20 receive training on the dynamics of sexual misconduct of professionals, including  
21 the nature of this abuse of authority, characteristics of the offender, the impact on  
22 the victim, the possibility and the impact of false accusations, investigative  
23 procedure in sex offense cases, and effective intervention with victims and  
24 offenders.
- 25 ➔Section 56. KRS 311.844 is amended to read as follows:
- 26 (1) To be licensed by the board as a physician assistant for two (2) years, an applicant  
27 shall:

- 1 (a) Submit a completed application form with the required fee;
- 2 (b) Be of good character and reputation;
- 3 (c) Be a graduate of an approved program; and
- 4 (d) Have passed an examination approved by the board within three (3) attempts.
- 5 (2) A physician assistant who is authorized to practice in another state and who is in
- 6 good standing may apply for licensure by endorsement from the state of his or her
- 7 credentialing if that state has standards substantially equivalent to those of this
- 8 Commonwealth.
- 9 (3) A physician assistant's license shall be renewed ***biennially*** upon fulfillment of the
- 10 following requirements:
- 11 (a) The holder shall be of good character and reputation;
- 12 (b) The holder shall provide evidence of completion during the previous two (2)
- 13 years of a minimum of one hundred (100) hours of continuing education
- 14 approved by the American Medical Association, the American Osteopathic
- 15 Association, the American Academy of Family Physicians, the American
- 16 Academy of Physician Assistants, or by another entity approved by the board;
- 17 (c) The holder shall provide evidence of completion of a continuing education
- 18 course on the human immunodeficiency virus and acquired immunodeficiency
- 19 syndrome;
- 20 (d) As a part of the continuing education requirements that the board adopts to
- 21 ensure continuing competency of present and future licensees the board shall
- 22 ensure that physician's assistants shall demonstrate completion of a one-time
- 23 training course of one and one-half (1.5) hours of training covering the
- 24 prevention and recognition of pediatric abusive head trauma, as defined in
- 25 KRS 620.020. The one and one-half (1.5) hours of continuing education
- 26 required under this section shall be included in the current number of required
- 27 continuing education hours; and

1 (e) The holder shall provide proof of current certification with the National  
2 Commission on Certification of Physician Assistants.

3 ➔Section 57. KRS 311.886 is amended to read as follows:

4 (1) The board shall provide for the biennial~~annual~~ renewal of a surgical assistant  
5 certificate.

6 (2) At least thirty (30) days before the expiration of a person's certificate, the board  
7 shall send written notice of the impending certificate expiration to the person at the  
8 certificate holder's last known address according to the records of the board.

9 (3) If the person's certificate has been expired for ninety (90) days or less, the person  
10 may renew the certificate by paying the board one and one-half (1-1/2) times the  
11 required renewal fee. The person shall not engage in activities that require a  
12 certificate until the certificate has been renewed under this section.

13 (4) If the person's certificate has been expired for longer than ninety (90) days but less  
14 than one (1) year, the person may renew the certificate by paying the board two (2)  
15 times the required renewal fee. The person shall not engage in activities that require  
16 a certificate until the certificate has been renewed under this section.

17 (5) If the person's certificate has been expired for one (1) year or longer, the person may  
18 not renew the certificate. The person may obtain a new certificate by complying  
19 with the requirements and procedures for obtaining an original certificate.

20 (6) If the person was certified as a surgical assistant in this state, moved to another  
21 state, and is currently licensed or certified as a surgical assistant and has been in  
22 practice as a surgical assistant in the other state for the two (2) years preceding  
23 application, the person may renew an expired surgical assistant certificate without  
24 reexamination. The person shall pay the board a fee that is equal to two (2) times  
25 the required renewal fee for the license. The person shall not engage in activities  
26 that require a certificate until the certificate has been renewed under this section.

27 ➔Section 58. KRS 311.901 is amended to read as follows:

- 1 (1) The board shall promulgate administrative regulations in accordance with KRS  
2 Chapter 13A relating to the licensure and regulation of athletic trainers. The  
3 administrative regulations shall include but shall not be limited to the establishment  
4 of fees and continuing education requirements. The board shall require, as a part of  
5 any continuing educational requirement, that persons licensed as athletic trainers  
6 complete an educational course on the transmission, control, treatment, and  
7 prevention of the human immunodeficiency virus and acquired immunodeficiency  
8 syndrome. The course on the human immunodeficiency virus shall be approved by  
9 the Cabinet for Health and Family Services.
- 10 (2) There is hereby created the Kentucky Athletic Trainers Advisory Council,  
11 composed of nine (9) members~~[ appointed by the Governor ]~~. The council shall  
12 review and make recommendations to the board regarding all matters relating to  
13 athletic trainers that come before the board, including but not limited to:
- 14 (a) Applications for athletic training licensure;
  - 15 (b) Licensure renewal requirements;
  - 16 (c) Approval of supervising physicians;
  - 17 (d) Disciplinary investigations or action, when specifically requested by one (1) of  
18 the board's panels established under KRS 311.591; and
  - 19 (e) Promulgation of administrative regulations.
- 20 (3) ~~[ Except for initial appointments, ]~~ Members of the council shall be appointed by the  
21 board for four (4) year terms and shall consist of:
- 22 (a) Five (5) practicing licensed athletic trainers who shall each be selected by the  
23 board from a list of three (3) licensed athletic trainers submitted by the  
24 Kentucky Athletic Trainers Society, Inc. for each vacancy;
  - 25 (b) Two (2) supervising physicians;
  - 26 (c) One (1) member of the board; and
  - 27 (d) One (1) citizen at large.

- 1 (4) The chair of the council shall be elected by a majority vote of the council members  
2 and shall preside over meetings. The meetings shall be held quarterly. Additional  
3 meetings may be held on the call of the chair or upon the written request of four (4)  
4 council members.
- 5 (5) Initial appointments shall be for staggered terms. Three (3) members shall serve a  
6 four (4) year term, two (2) members shall serve a three (3) year term, two (2)  
7 members shall serve a two (2) year term, and two (2) members shall serve a one (1)  
8 year term.
- 9 (6) Members of the council shall not be compensated for their service but shall receive  
10 reimbursement for expenditures relating to attendance at committee meetings,  
11 consistent with state policies for the reimbursement of travel expenses for state  
12 employees.
- 13 (7) A council member may be removed by the board for good cause or if he or she  
14 misses two (2) consecutive council meetings without good cause.
- 15 (8) Upon the death, resignation, or removal of any member, the vacancy for the  
16 unexpired term shall be filled by the board in the same manner as the original  
17 appointment.
- 18 (9) The quorum required for any meeting of the council shall be five (5) members. No  
19 action by the council or its members shall have any effect unless a quorum of the  
20 council is present at the meeting where the action is taken.
- 21 (10) The board shall not be required to implement or adopt the recommendations of the  
22 council.
- 23 ➔Section 59. KRS 311B.030 is amended to read as follows:
- 24 (1) The Kentucky Board for Medical Imaging and Radiation Therapy is hereby created  
25 to promote, preserve, and protect the public health, safety, and welfare of the  
26 citizens of the Commonwealth of Kentucky by regulating and licensing individuals  
27 who use ionizing or nonionizing radiation as advanced imaging professionals,

1 medical imaging technologists, radiographers, radiation therapists, nuclear medicine  
2 technologists, limited X-ray machine operators, or any combination of professions  
3 licensed under this chapter. The board shall consist of nine (9) members appointed  
4 by the Governor, with the following qualifications:

- 5 (a) Two (2) members shall be licensed radiographers whose primary work  
6 responsibilities are related to general diagnostic radiography;
- 7 (b) Two (2) members shall be licensed radiographers with a post-primary  
8 certification and whose primary work responsibilities are related to that post-  
9 primary certification;
- 10 (c) One (1) member shall be a licensed nuclear medicine technologist;
- 11 (d) One (1) member shall be a licensed radiation therapist;
- 12 (e) One (1) member shall be a licensed limited X-ray machine operator;
- 13 (f) One (1) member shall be a licensed medical imaging technologist or therapist  
14 who serves as an educator in an accredited program or as an administrator in a  
15 medical imaging or radiation therapy department; and
- 16 (g) One (1) member shall be an individual at-large from the general public with  
17 no family or business relation to health care but with an interest in the rights  
18 of consumers of health services.
- 19 (2) All board members, except the at-large member, shall have at least five (5) years of  
20 experience in their respective areas of certification or licensure and shall maintain  
21 active registry or certification and Kentucky licensure in medical imaging or  
22 radiation therapy during the term as a board member. Each board member shall be a  
23 resident of Kentucky or actively employed in medical imaging or radiation therapy  
24 in Kentucky, and shall be in good standing with the board.
- 25 (3) (a) By May 1 of years in which terms expire, nominations of individuals for  
26 appointment to the board shall be submitted to the Governor and may be made  
27 by citizens of the Commonwealth of Kentucky through the Kentucky Society

1 of Radiologic Technologists, the Kentucky Society of Nuclear Medicine  
2 Technologists, the board, or other professional imaging or radiation therapy  
3 organizations that are recognized by the board.

4 (b) No two (2) board members shall be residents of the same county.

5 (c) A minimum of two (2) names per appointment shall be submitted to the  
6 Governor.

7 (4) The Governor shall make each appointment by September 1 for terms beginning  
8 November 1 of that same year~~[-The initial terms of appointment shall be staggered~~  
9 ~~with five (5) members appointed for four (4) years and four (4) members appointed~~  
10 ~~for two (2) years. Thereafter, members shall be appointed to the board for terms of~~  
11 ~~four (4) years, expiring on October 31 of the fourth year. A board member may~~  
12 ~~serve two (2) consecutive appointments. After a second consecutive appointment,~~  
13 ~~that individual may not be reappointed until at least one (1) full year has passed].~~

14 ➔Section 60. KRS 311B.040 is amended to read as follows:

15 (1)~~[-The board shall meet at least two (2) times annually and may meet at other times as~~  
16 ~~needed. Special meetings shall be called by the chair, or by written petition of three~~  
17 ~~(3) board members to the chair of the board.~~

18 (2)~~—At the first meeting each year, the board shall elect by majority a chair to preside at~~  
19 ~~the meetings for a one (1) year term. A vice chair shall be elected by the board to~~  
20 ~~preside over board meetings in the chair's absence.~~

21 (3)~~}]~~ The board chair shall establish an agenda to conduct business for each meeting. The  
22 agenda shall be distributed to board members at least two (2) weeks prior to the  
23 scheduled meeting. Specific items for consideration shall be submitted at least thirty  
24 (30) days prior to the next board meeting.

25 ~~[(4) A majority of the board members shall constitute a quorum for the transaction of~~  
26 ~~necessary business.]~~

27 (2)~~[(5)]~~ Vacancies shall be filled in the manner of the original appointment for the

1 length of the unexpired portion of the term only. Appointment to a vacancy for  
2 more than two (2) years shall constitute a full term of appointment.

3 ~~[(6) Upon recommendation by a majority of the board members and after notice and a  
4 hearing, the Governor may remove any member for failure to maintain the  
5 qualifications as a board member, incompetence, neglect of duty, or malfeasance in  
6 office. Any board member removed under this subsection shall be entitled to appeal  
7 the removal in the Franklin Circuit Court.~~

8 ~~(7) There shall be no liability on the part of, and no action for damages against, any  
9 current or former board member, representative, agent, or employee of the board,  
10 when the person is acting with ordinary care, is functioning within the scope of  
11 board duties, is acting without malice, and has the reasonable belief that the actions  
12 taken by him or her are warranted by law.~~

13 ~~(8) Each member of the board shall receive, in addition to travel, hotel, and other  
14 necessary expenses, a reasonable amount as determined by the board through the  
15 promulgation of administrative regulations for each day the member is engaged in  
16 the discharge of official duties at scheduled or called meetings of the board.]~~

17 ➔Section 61. KRS 311B.050 is amended to read as follows:

18 The board shall:

- 19 (1) Administer and enforce this chapter. The board alone shall have this authority;
- 20 (2) Promulgate administrative regulations to administer and enforce this chapter;
- 21 (3) Issue and renew **biennial**~~the~~ licenses ~~to~~~~of~~ duly qualified applicants, following  
22 procedures established by the board through the promulgation of administrative  
23 regulations;
- 24 (4) Determine and enforce continuing education requirements and establish guidelines  
25 for approval of continuing education;
- 26 (5) Approve accredited educational programs of imaging or radiation therapy and  
27 monitor compliance with the educational standards established by the individual

- 1 disciplines, as recognized by the board;
- 2 (6) Designate funds for scholarships, program development, or continued education;
- 3 (7) Investigate suspected or alleged violations of this chapter, conduct hearings and  
4 record minutes, resolve the allegations, and, if appropriate, impose sanctions or  
5 penalties; and
- 6 (8) Submit an annual report to the Governor and the Legislative Research Commission  
7 that provides information concerning the board's work regarding licensure of  
8 professionals under this chapter and that lists all hearings conducted by the board  
9 and the decisions rendered.

10 ➔Section 62. KRS 311B.070 is amended to read as follows:

- 11 (1) The administrative coordinator~~[executive director]~~ shall have demonstrated  
12 administrative experience relative to budget, management, organizational abilities,  
13 and professional communication. The administrative coordinator~~[executive  
14 director]~~ shall:
- 15 (a) Be a licensed medical imaging technologist or radiation therapist;
- 16 (b) Have a minimum of a bachelor's degree; and
- 17 (c) Meet the qualifications of a board member as required under KRS  
18 311B.030(2).
- 19 (2) The administrative coordinator~~[executive director]~~ shall implement and oversee  
20 the licensure process of advanced imaging professionals, medical imaging  
21 technologists, radiographers, radiation therapists, nuclear medicine technologists,  
22 and limited X-ray machine operators as defined by the board. The administrative  
23 coordinator~~[executive director]~~ shall, at a minimum:
- 24 (a) Receive and evaluate applications for licenses;
- 25 (b) Document continuing education by licensees;
- 26 (c) Report suspected allegations of violations of this chapter to the board;
- 27 (d) Serve as corresponding secretary for the board;

- 1 (e) Supervise and evaluate administrative assistants and other office staff  
2 assigned to~~hired or contracted by~~ the board;
- 3 (f) Assist the board chair in coordinating regular and special meetings and  
4 agendas;
- 5 (g) Maintain records of the actions of the board;
- 6 (h) Obtain an annual audit of the funds received and disbursed;
- 7 (i) Prepare and submit reports as needed;
- 8 (j) Serve as liaison between educational programs and the board; and
- 9 (k) Serve as liaison between the board and:
- 10 1. State and national professional and accrediting organizations; and  
11 2. Other Kentucky boards and agencies.
- 12 (3) The administrative coordinator~~executive director~~ and other persons designated by  
13 the board shall be bonded by the state in an amount as determined by the board to  
14 be approved by the State Treasurer for the faithful performance of related duties.
- 15 ➔Section 63. KRS 311B.130 is amended to read as follows:
- 16 (1) On behalf of the board, the administrative coordinator~~executive director~~ shall  
17 receive and account for all moneys collected pursuant to~~the provisions of~~ this  
18 chapter, or the administrative regulations promulgated pursuant to this chapter, and  
19 shall deposit all such moneys into the State Treasury, to be credited to a trust and  
20 agency fund which is hereby created for the purpose of defraying the costs and  
21 expenses of the administration of this chapter in the manner provided for other  
22 similar licensure agencies and boards of the Commonwealth.
- 23 (2) These moneys shall be used for the reimbursement of board members for actual and  
24 necessary expenses incurred in the performance of their official duties~~, the~~  
25 ~~compensation of all of the employees of the board,~~ and payment of all other  
26 operational expenses incurred in fulfilling the board's duties as described in this  
27 chapter and administrative regulation, and are hereby appropriated for those

1 purposes.

2 (3) No part of this fund shall revert to the general fund of the Commonwealth.

3 (4) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the  
4 fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year  
5 to be used for the purposes set forth in this chapter.

6 (5) Any interest earnings of the fund shall become a part of the fund and shall not lapse.

7 ➔Section 64. KRS 311B.170 is amended to read as follows:

8 (1) The board shall notify any licensee of alleged offenses. The notice shall include  
9 sufficient detail to reasonably apprise the person of the allegations, the nature of the  
10 offense charged, or both.

11 (2) The board shall furnish the licensee with written notice of the date, time, and place  
12 of a hearing.

13 (3) A licensee who fails to respond to a notice of a hearing or fails to attend the hearing  
14 shall have the license revoked immediately.

15 (4) The board shall notify any employer or employers and any appropriate credentialing  
16 organization if a license is suspended or revoked.

17 (5) A licensee may request a conference and appeal the board's action.

18 (6) All actions and proceedings under this section shall be conducted in accordance  
19 with **Section 15 of this Act and** KRS Chapter 13B.

20 ➔Section 65. KRS 312.019 is amended to read as follows:

21 (1) The board shall administer the provisions of this chapter and the administrative  
22 regulations promulgated by the board relating to the practice of chiropractic.

23 (2) The board shall pass upon the qualifications of applicants for a license, certification,  
24 or registration to practice chiropractic. It shall examine, license, certify, register, and  
25 renew the license, certification, or registration of duly qualified applicants.

26 (3) The board may deny, revoke, limit, impose probationary conditions, refuse to  
27 renew, or suspend any license, certification, or registration issued by it.

- 1 (4) The board shall adopt a seal which shall be affixed to all licenses, certifications, and  
2 registrations issued by the board and to any~~[such]~~ other documents as the board  
3 deems necessary.
- 4 (5) The board shall regulate the practice of chiropractic by persons licensed or certified  
5 by it and shall enforce the provisions of this chapter and the administrative  
6 regulations of the board. The board may investigate violations and cause the  
7 prosecution of persons violating the provisions of this chapter or the administrative  
8 regulations promulgated by the board.
- 9 (6) The board may~~[employ such personnel and]~~ incur any necessary~~[such]~~ expenses~~[~~  
10 ~~as may be necessary]~~ for the performance of its duties and the enforcement of this  
11 chapter.
- 12 (7) The board may prescribe and collect reasonable fees for the issuance and renewal of  
13 licenses, certifications, and registrations and the administration of examinations as  
14 provided in KRS 312.095 and 312.175.
- 15 (8) The board may inspect at all reasonable times any chiropractic office or place where  
16 chiropractic services are performed and inspect chiropractic records, a copy of  
17 which may be obtained by the board, and question all persons.
- 18 (9) The board may promulgate~~[and from time to time amend]~~ administrative  
19 regulations, consistent with~~[the provisions of]~~ this chapter and in accordance with~~[~~  
20 ~~the provisions of]~~ KRS Chapter 13A, governing the practice of chiropractic and the  
21 diagnosis and treatment of patients, the enforcement of this chapter and the proper  
22 performance of its duties, including but not limited to:
- 23 (a) A code of ethical conduct governing the practice of chiropractic;
- 24 (b) Requirements, standards, and examinations to determine the moral, physical,  
25 intellectual, educational, scientific, technical, and professional qualifications  
26 of applicants for licenses and certifications;
- 27 (c) Matters pertaining to the content and conduct of examinations;

- 1 (d) Matters pertaining to the operation and registration of chiropractic clinics;
- 2 (e) Matters pertaining to the practice and certification of chiropractic specialties
- 3 by licensed doctors of chiropractic;
- 4 (f) The type, character, and location of postgraduate study to be done by any
- 5 licensee in order to comply with the provisions of KRS 312.175;
- 6 (g) Regulation of forms of advertising or solicitation that are false, misleading, or
- 7 deceptive or otherwise in violation of this chapter. The board may require a
- 8 seventy-two (72) hour rescission period for consumers responding to certain
- 9 forms of solicitation or advertising proposing or offering a series or course of
- 10 treatments. The board may require that advertisements or solicitations stating
- 11 coverage available from third-party payors include a conspicuous notice that
- 12 persons may be required to submit to an independent evaluation which may
- 13 result in a determination that the all or part of the services are unreasonable or
- 14 unnecessary;
- 15 (h) Establishing a recommended course of pre-chiropractic education to be
- 16 completed prior to entry into chiropractic college and the establishment of a
- 17 preceptorship program for students enrolled in accredited chiropractic colleges
- 18 that conform to KRS 312.085 to meet the standards of accreditation of the
- 19 Council on Chiropractic Education.
- 20 (i) Registration and regulation of chiropractic management consultants operating
- 21 in Kentucky. The board may impose biennial~~annual~~ registration fees not to
- 22 exceed two hundred dollars (\$200) per year of licensure; and
- 23 (j) Establishing minimum standards for recordkeeping in chiropractic offices, the
- 24 issuance of itemized statements, and requiring that any record or report
- 25 include the name of the treating chiropractor.
- 26 (10) The board shall develop specific guidelines to follow upon receipt of an allegation
- 27 of sexual misconduct by a chiropractor licensed by the board. The guidelines shall

1 include investigation, inquiry, and hearing procedures which ensure the process  
2 does not revictimize the alleged victim or cause harm if a chiropractor is falsely  
3 accused.

4 (11) The board, the hearing officer, and investigators~~[hired by the board]~~ shall receive  
5 training on the dynamics of sexual misconduct of professionals, including the nature  
6 of this abuse of authority, the characteristics of the offender, the impact on the  
7 victim, the possibility and the impact of false accusations, investigative procedure  
8 in sex offense cases, and effective intervention with victims and offenders.

9 ➔Section 66. KRS 312.145 is amended to read as follows:

10 (1) Any license issued by the board shall be numbered. The license shall be open to  
11 public inspection, and in all actions or proceedings in any court, a transcript, or any  
12 part **of a transcript**~~[thereof]~~, certified under the seal of the board to be a true copy,  
13 shall be entitled to admission in evidence.

14 (2) The board may at any time inquire into the identity of any person claiming to hold a  
15 license to practice chiropractic in the state, and after due service of a notice in  
16 writing, require **the person**~~[him]~~ to prove to the satisfaction of the board that he **or**  
17 **she** is the person authorized to practice under the license by virtue of which **the**  
18 **person**~~[he]~~ claims the privilege to practice in this state. When the board finds that a  
19 person claiming to be the holder of a license to practice in this state is not in fact the  
20 person to whom the license was issued, it shall reduce its findings to writing and  
21 file them in its office, and **these**~~[such]~~ findings shall be prima facie evidence that  
22 the claimant does not hold a license to practice in this state.

23 (3) Ownership or operation of a chiropractic facility within this state constitutes the  
24 practice of chiropractic requiring licensure. A chiropractic facility using an assumed  
25 name shall include the name of the owner or operator, and either the word  
26 "chiropractic" or "chiropractors."

27 (4) ~~[By application and renewal,]~~ Every chiropractor **shall**~~[must]~~ annually provide the

1 board with the name and address of each facility where the chiropractor practices.  
 2 The chiropractor shall notify the board within ten (10) days of any change of  
 3 address or change in practice location. All correspondence from the board shall be  
 4 sent to the most recent address of record.

5 ➔Section 67. KRS 312.175 is amended to read as follows:

- 6 (1) Each person licensed to practice chiropractic in this state shall, on or before the first  
 7 day of March of the person's renewal year, biennially~~annually~~ renew his or her  
 8 license and pay the board a renewal fee of not more than one hundred dollars  
 9 (\$100) per year for each inactive licensee and not more than five hundred dollars  
 10 (\$500) per year for each active licensee~~each year to the board~~. In addition to the  
 11 payment of the renewal fee, the active licensee applying for a license renewal shall  
 12 furnish to the board satisfactory evidence that the licensee~~he~~ has attended an  
 13 educational program in both years~~the year~~ preceding each application for renewal.  
 14 Satisfactory evidence of attendance of postgraduate study at an institution approved  
 15 by the board shall be considered equivalent. ~~Provided, however, that~~ Licenses may  
 16 be renewed by the board, at its discretion, and the applicant may be excused from  
 17 paying the renewal fee or attending the annual educational program, or both, in  
 18 instances where the applicant submits an affidavit to the board evidencing that the  
 19 applicant~~he~~, for good cause assigned, suffered a hardship which prevented the  
 20 applicant from renewing the license or attending the educational program at the  
 21 proper time.
- 22 (2) The board shall send a written notice to every person holding a valid license to  
 23 practice chiropractic within this state at least forty-five (45) days prior to the first  
 24 day of March in that person's renewal~~each~~ year, directed to the last known  
 25 address of the licensee, and shall enclose with the notice proper blank forms for  
 26 application for~~annual~~ license renewal. The board shall, within thirty (30)~~forty-~~  
 27 five (45) days, notify every person failing to renew a~~his~~ license after it is due that

1 the person~~[he]~~ is delinquent and is subject to a late penalty of three hundred dollars  
 2 (\$300). If the licensee fails to renew the~~[his]~~ license within forty-five (45) days after  
 3 the mailing of the delinquent notice then the~~[his]~~ license shall be revoked for  
 4 nonrenewal. Any licensee whose license has been revoked for failure to renew~~[his~~  
 5 ~~license]~~ may have the~~[his]~~ license restored upon:

6 (a) ~~[the]~~ Payment of a restoration fee not to exceed five hundred dollars (\$500)  
 7 for each full or partial delinquent year;

8 (b) Payment of a~~[or any part thereof in addition to the]~~ renewal fee of not more  
 9 than five hundred dollars (\$500);

10 (c) ~~[and upon]~~ Presentation of satisfactory evidence of postgraduate study of a  
 11 standard approved by the state board; or

12 (d) ~~[upon a]~~ Showing that the licensee~~[he]~~ is an exception as authorized  
 13 under~~[provided for in]~~ subsection (1) of this section.

14 (3) Any licensee whose license has been revoked for less than four (4) years, may not  
 15 apply for a license pursuant to KRS 312.085. The licensee may only apply for  
 16 restoration pursuant to subsection (2) of this section.

17 (4) Any licensee whose license has been revoked for more than four (4) years may  
 18 apply for a license by examination, as long as the licensee pays a restoration fee not  
 19 to exceed five hundred dollars (\$500) for each full or partial delinquent year~~[, or~~  
 20 ~~any part thereof,]~~ in addition to the renewal fee of not less than five hundred dollars  
 21 (\$500) and not more than three thousand dollars (\$3,000).

22 ➔Section 68. KRS 313.020 is amended to read as follows:

23 (1) The Kentucky Board of Dentistry shall consist of ten (10) members, each appointed  
 24 by the Governor~~[ to a four (4) year term]~~. Subject to Section 16 of this Act,  
 25 appointments may be made as follows:

26 (a) Seven (7) members of the board shall be licensed dentists appointed from a  
 27 list of three (3) names recommended for each board position by the resident

1 licensed dentists of Kentucky at an annual election at a time selected by the  
2 Kentucky Board of Dentistry;[-]

3 (b) Two (2) members of the board shall be dental hygienists licensed to practice  
4 dental hygiene in the Commonwealth. Each appointment to the board of a  
5 licensed dental hygienist shall be made from a list of three (3) names  
6 recommended for this position by the resident licensed dental hygienists of  
7 Kentucky at an annual election at a time selected by the board;[-]

8 (c) One (1) member shall be a citizen at large who is not associated with or  
9 financially interested in the practice or business regulated;[-]

10 (d) One (1) nonvoting ex officio representative from each the University of  
11 Kentucky and the University of Louisville shall represent the dental schools'  
12 interests, rotating on a yearly basis;[-]

13 (e) One (1) nonvoting ex officio representative from a hygiene program not  
14 associated with the University of Kentucky or the University of Louisville,  
15 rotating on a yearly basis, shall represent the dental hygiene programs'  
16 interests; and[-]

17 (f) ~~[-The hygiene school seats shall rotate on a yearly basis. -]~~ One (1) nonvoting ex  
18 officio representative from the Department for Public Health shall represent  
19 the department's interests.

20 (2) Individuals seeking board appointment, other than the citizen member, shall have  
21 been an actual resident and licensed practicing dentist or dental hygienist of the  
22 Commonwealth for not less than five (5) years immediately preceding his or her  
23 appointment to the board, be in good standing with the board, and shall not have  
24 been disciplined by the board in the past eight (8) years. A voting member shall not  
25 receive compensation from or have a financial interest in any dental college or  
26 dental department of any institution of learning, dental supply business, or any  
27 entity over which the board has regulatory authority or sets standards for. For this

1 subsection alone, a private admonishment shall not count as discipline.

2 (3) ~~[No board member shall serve more than two (2) consecutive terms.]~~ A member  
3 appointed to a partial term vacancy exceeding two (2) years shall be deemed to have  
4 served one (1) full term. A former member may be reappointed following an  
5 absence of one (1) term.

6 (4) The board shall annually:

7 (a) Meet at least four (4) times a year;

8 (b) At the first meeting of the board after July 1, elect officers of the board by  
9 majority vote of the members present; and

10 (c) Set a schedule of at least four (4) regular meetings for the next twelve (12)  
11 month period.

12 (5) ~~[A majority of the voting members of the board shall constitute a quorum for the  
13 transaction of business.]~~

14 (6) ~~(a) A member of the board who misses three (3) regular meetings in one (1) year  
15 shall be deemed to have resigned from the board, and his or her position shall  
16 be deemed vacant.~~

17 ~~(b) The failure of a board member to attend a special or emergency meeting shall  
18 not result in any penalty.~~

19 ~~(c) The year specified in paragraph (a) of this subsection shall begin with the first  
20 meeting missed and end three hundred sixty five (365) days later or with the  
21 third meeting missed, whichever occurs earlier.~~

22 ~~(d) The Governor shall appoint a person of the same class to fill the vacancy  
23 within ninety (90) days.~~

24 ~~(e) A person removed under this subsection shall not be reappointed to the board  
25 for four (4) years.~~

26 (7) ~~Each voting member of the board shall receive any necessary expenses incurred in  
27 attending its meetings. Each voting member shall receive as compensation two~~

1        ~~hundred dollars (\$200) for each day actually engaged in the duties of his or her~~  
2        ~~office.~~

3        ~~(8)~~ Annual reports and recommendations from the board shall be sent by  
4        ~~September~~~~February~~ 1 each year to the Governor and the Legislative Research  
5        Commission~~General Assembly~~.

6        ➔ Section 69. KRS 313.021 is amended to read as follows:

7        (1) The board shall:

8        (a) Exercise all of the administrative functions of the Commonwealth in the  
9        regulation of the profession of dentistry, including but not limited to dentists,  
10       dental hygienists, dental assistants, and dental laboratories;

11       (b) Subject to the provisions of this chapter, create levels of licensure or  
12       registration as appropriate for individuals providing services under this  
13       chapter. These shall consist of:

- 14           1. Dentist;
- 15           2. Dental hygienist; and
- 16           3. Dental assistant;

17       (c) The board shall promulgate administrative regulations in accordance with  
18       KRS Chapter 13A for any license or registration the board may create. The  
19       administrative regulations shall, at a minimum, address:

- 20           1. Requirements for students, if appropriate;
- 21           2. Requirements for education;
- 22           3. Eligibility for licensure or registration; and
- 23           4. Renewal requirements;

24       (d) Oversee the operations and establish the organizational structure of the Office  
25       of the Kentucky Board of Dentistry, which is created and shall be attached to  
26       the board for administrative purposes. The office shall be headed by the  
27       administrative coordinator~~executive director appointed under paragraph (e)~~

1 of this subsection] and shall be responsible for:

- 2 1. ~~{Personnel and }~~Budget matters affecting the board;
- 3 2. Fiscal activities of the board, including grant writing and disbursement
- 4 of funds;
- 5 3. Information technology, including the design and maintenance of
- 6 databases;
- 7 4. Licensure of dentists and dental hygienists;
- 8 5. Registration of dental assistants;
- 9 6. Investigation of complaints; and
- 10 7. Other responsibilities which may be assigned to the **administrative**
- 11 **coordinator**~~{executive director}~~ by the board;

12 (e) **Utilize the administrative coordinator to**~~{Employ an executive director and~~  
 13 ~~fix his or her compensation. The executive director shall serve at the pleasure~~  
 14 ~~of the board,}~~ administer the day-to-day operations of the Office of the  
 15 Kentucky Board of Dentistry, and supervise all directives of the board. The  
 16 **administrative coordinator**~~{executive director}~~ shall possess a baccalaureate  
 17 degree and shall have no less than five (5) years of experience in public  
 18 administration;

19 (f)~~{Employ or contract with an attorney licensed to practice law in Kentucky and~~  
 20 ~~fix his or her compensation. The attorney shall serve at the pleasure of the~~  
 21 ~~board and have primary assignment to the board;~~

22 (g)~~{Employ or contract with personnel sufficient to carry out the statutory~~  
 23 ~~responsibilities of the board;~~

24 (h)} Establish committees and subcommittees and **their**~~{the}~~ membership~~{~~  
 25 ~~thereof}~~. Members of committees and subcommittees **may**~~{shall not need to}~~  
 26 be members of the **public or the** board;

27 (g){(i)} Provide for affiliation with the American Association of Dental Boards;

1        ~~(h)~~~~(j)~~     Select the subject matter and standards of proficiency for examinations  
 2                    related to issuance of licenses or registrations issued under this chapter or  
 3                    administrative regulations promulgated hereunder; and

4        ~~(i)~~~~(k)~~     Have the authority to issue advisory opinions and declaratory rulings  
 5                    related to this chapter and the administrative regulations promulgated  
 6                    thereunder as established by administrative regulation.

7        (2) The board may utilize materials, services, or facilities from~~as may be made~~  
 8                    ~~available to it by~~ other state agencies or may contract for materials, services, or  
 9                    facilities.

10       (3) The board shall develop a proposed biennial budget for all administrative and  
 11                    operational functions and duties.

12       ➔Section 70. KRS 313.090 is amended to read as follows:

13       (1) In accordance with~~the provisions of~~ KRS Chapter 13B, all discipline for which  
 14                    the board is authorized to conduct investigations, hold hearings, and impose  
 15                    punishments is delegated to the administrative coordinator~~the executive director,~~  
 16                    ~~board attorney,~~ and hearing panel as provided in this section.

17       (2) Any person may make a complaint to the administrative coordinator~~executive~~  
 18                    ~~director~~ that a dentist, dental hygienist, dental assistant, or other person licensed or  
 19                    registered by the board has violated~~a provision of~~ this chapter, an administrative  
 20                    regulation promulgated pursuant to this chapter, a practice standard, or an order of  
 21                    the board.

22       (3) Each complaint shall:

23            (a) Be in writing;

24            (b) Identify specifically the person or organization against whom the complaint is  
 25                    made;

26            (c) Set forth the facts relating to the violation alleged and any other supporting  
 27                    information which may have a bearing on the matter;

- 1 (d) Contain the name, address, telephone number, facsimile number, and e-mail  
2 address, if available, of the complainant; and
- 3 (e) Be signed by the complainant as the truth of the statements contained in the  
4 complaint by the complainant.
- 5 (4) A complaint which is unsigned shall not be acted upon by the administrative  
6 coordinator~~[executive director]~~ unless the complaint involves a violation of  
7 standards set forth by the Centers for Disease Control or alleged mental or physical  
8 impairment as provided for in KRS 313.130. A complaint which is not signed in the  
9 manner specified in subsection (3) of this section shall be returned to the  
10 complainant for completion.
- 11 (5) The administrative coordinator~~[executive director]~~ of the board may, on behalf of  
12 the board, based on knowledge available to the Office of the Board, make a  
13 complaint against any person or organization regulated by the board in the same  
14 manner as provided in subsection (3) of this section.
- 15 (6) Upon receipt of a properly completed complaint, the administrative  
16 coordinator~~[executive director]~~ shall assign the complaint to~~[a staff investigator~~  
17 ~~who shall investigate the complaint and shall make findings of fact and~~  
18 ~~recommendations to the executive director who shall then convene a meeting of]~~ the  
19 Law Enforcement Committee.
- 20 (7) The Law Enforcement Committee~~[staff investigator]~~ shall notify the person or  
21 organization against whom the complaint has been filed and shall notify the  
22 employer of the dentist, dental hygienist, or dental assistant of the complaint.
- 23 (8) The notification shall name the person or organization complained against, the  
24 complainant, the violations alleged, and the facts presented in the complaint and  
25 shall notify the person or organization complained against and the employer of:
- 26 (a) The fact that the complaint shall be answered, the steps for answering the  
27 complaint, and the action to be taken if the complaint is not answered;

- 1 (b) The timeframe and steps in the proceedings of a complaint;
- 2 (c) The rights of the parties, including the right to counsel; and
- 3 (d) The right to testify at any hearing.
- 4 (9) Upon the failure of a licensee or certificate holder to respond to a written accusation  
5 or to request a hearing within twenty (20) days after the sending of the accusation,  
6 the accused shall be considered to have admitted the truth of the facts and the  
7 circumstances in the allegation and appropriate discipline may be imposed.
- 8 (10) After reviewing the complaint and results of any investigation conducted on behalf  
9 of the board, the Law Enforcement Committee shall consider whether the  
10 accusation is sufficient to remand the matter for a hearing as provided in this section  
11 and KRS Chapter 13B. A majority vote of the members of the Law Enforcement  
12 Committee shall be necessary for action to either remand the matter for hearing or  
13 dismiss the complaint without a hearing.
- 14 (11) If the Law Enforcement Committee dismisses the complaint, all parties notified  
15 previously shall be notified of the action. If the Law Enforcement Committee  
16 remands the matter for a hearing, all parties notified previously shall be notified of  
17 the action.
- 18 (12) Each proceeding to consider the imposition of a penalty which the board is  
19 authorized to impose pursuant to this chapter shall be conducted in accordance with  
20 KRS Chapter 13B.
- 21 (13) A hearing panel for purposes of making a decision in any disciplinary matter shall  
22 consist of a quorum of the remaining seven (7) members of the board who are not  
23 on the Law Enforcement Committee and the hearing officer.
- 24 (14) The board may issue subpoenas to compel the attendance of witnesses and the  
25 production of documents in the conduct of an investigation. The subpoenas may be  
26 enforced by any Circuit Court for contempt. Any order or subpoena of the court  
27 requiring the attendance and testimony of witnesses and the production of

1 documentary evidence may be enforced and shall be valid anywhere in this state.

2 (15) At all hearings the board attorney or, on request of the board, the Attorney General  
3 of this state or one (1) of the assistant attorneys general designated, shall appear and  
4 represent the board.

5 (16) The dentist, dental hygienist, or dental assistant who is the defendant in a hearing  
6 shall be a party to the action and may appear and testify in the matter at any  
7 deposition or hearing on the matter and may propose conclusions of law, findings of  
8 fact, and penalties to the hearing panel.

9 (17) To make a finding or impose discipline, a majority of the members of the hearing  
10 panel who are not the hearing officer shall agree on the finding or discipline.

11 (18) The final order in any disciplinary proceeding shall be prepared by the hearing  
12 officer and sent to all parties in the manner prescribed by law.

13 (19) Any person or entity aggrieved by a final order of the board may appeal the final  
14 order to the Circuit Court of the county in which the person or entity resides in  
15 accordance with KRS Chapter 13B.

16 (20) Upon final disposition of a complaint which results in disciplinary action, the final  
17 order shall be published on the Web site of the board, placed in the record of the  
18 licensed or registered individual, and reported to the National Practitioner Database.

19 ➔Section 71. KRS 314.027 is amended to read as follows:

20 (1) Funding for the Kentucky nursing incentive scholarship fund shall be supplied  
21 partly by funds received from penalties and fines, to include, but not be limited to,  
22 certificate of need penalties assessed on primary care centers, hospitals, nursing  
23 facilities, and skilled and intermediate care nursing homes under~~[the provisions of]~~  
24 KRS 216.560 and 216B.131(2).

25 (2) Additional funding shall be provided by an assessment of five dollars (\$5) ***per year***  
26 to be added to each nurse licensure renewal application fee payable to the board,  
27 proceeds of which shall be annually allocated to the Kentucky nursing incentive

1 scholarship fund.

2 (3) The board may cancel any contract between it and any applicant or recipient upon  
3 failure by the applicant or recipient to meet requirements of KRS 314.025 to  
4 314.027 or board administrative regulations. Failure to complete the terms of the  
5 contract shall subject the applicant to legal action for the recovery of all assistance  
6 provided, together with attorney fees and interest at a compound rate of eight  
7 percent (8%) from the date of disbursement from the Kentucky nursing incentive  
8 scholarship fund.

9 ➔Section 72. KRS 314.071 is amended to read as follows:

10 (1) The license of every person issued under~~[the provisions of]~~ this chapter shall be  
11 renewed for a period of time as determined by the board by administrative  
12 regulation promulgated pursuant to KRS Chapter 13A, except **that an initial license**  
13 **or a renewal license shall be valid for at least two (2) years**~~[as hereinafter~~  
14 ~~provided]~~. The applicant shall fill in the application form truthfully and accurately  
15 and return it to the board with the renewal fee prescribed by the board in **an**  
16 **administrative**~~[a]~~ regulation before the expiration date of **the applicant's**~~[his]~~  
17 current license. The board shall prescribe by **administrative** regulation the  
18 beginning and ending of the licensure period.

19 (2) Any licensee who allows his **or her** license to lapse by failing to renew the license  
20 as provided above may be reinstated by the board on payment of current fee and by  
21 meeting the **administrative** regulations of the board.

22 (3) Notice that the license ~~**shall**~~~~[must]~~ be renewed shall be sent to the address of record  
23 pursuant to KRS 314.107 of each licensee **at least thirty (30) days** before the  
24 expiration date of the license.

25 (4) Any person practicing nursing during the time the license has lapsed shall be  
26 considered an illegal practitioner and shall be subject to the penalties provided for  
27 violations~~[of the provisions]~~ of this chapter.

1       ➔Section 73. KRS 314.111 is amended to read as follows:

- 2       (1) An institution desiring to conduct a school of nursing shall apply to the board and  
3       submit evidence that it is prepared to carry out the minimum approved basic  
4       curriculum in nursing and that it is prepared to fulfill other requirements of  
5       standards which are established by KRS 314.011 to 314.161 and KRS 314.991 and  
6       the administrative regulations promulgated by the board. No person shall operate a  
7       nursing education program or school of nursing without complying with~~the~~  
8       ~~provisions of~~ this section.
- 9       (2) A survey of the institution and its proposed education program shall be made by the  
10      executive director~~or an authorized employee of the board~~ who shall submit a  
11      written report of the survey to the board. If in the opinion of the board the  
12      requirements for an approved nursing education program or school of nursing are  
13      met it shall approve the school.
- 14      (3) The board shall, by administrative regulations promulgated pursuant to KRS  
15      Chapter 13A, set standards for the establishment and outcomes of nursing education  
16      programs that prepare advanced practice registered nurses, including clinical  
17      learning experiences, and shall approve any~~such~~ programs that meet the standards.
- 18      (4) If the board determines that any approved school of nursing is not maintaining the  
19      standards required by the statutes and the administrative regulations of the board,  
20      notice of this determination~~thereof~~ in writing specifying their deficiencies shall  
21      be immediately given to the school. A school which fails to correct these conditions  
22      to the satisfaction of the board shall be subject to an administrative hearing to  
23      determine whether the school shall be closed. The hearing shall be conducted in  
24      accordance with KRS Chapter 13B.

25      ➔Section 74. KRS 314.121 is amended to read as follows:

- 26      (1) The Governor shall appoint a Board of Nursing consisting of sixteen (16) members:  
27      (a) Nine (9) members shall be registered nurses licensed to practice in the

- 1 Commonwealth, with the Governor ensuring that the appointees represent  
2 different specialties from a broad cross-section of the nursing profession after  
3 soliciting and receiving nominations from recognized specialty state  
4 component societies;
- 5 (b) Three (3) members shall be practical nurses licensed to practice in the  
6 Commonwealth;
- 7 (c) One (1) member shall be a nurse service administrator who is a registered  
8 nurse licensed to practice in the Commonwealth;
- 9 (d) One (1) member shall be engaged in practical nurse education who is a  
10 registered nurse licensed to practice in the Commonwealth; and
- 11 (e) Two (2) members shall be citizens at large, who are not associated with or  
12 financially interested in the practice or business regulated.
- 13 (2) **Subject to Section 16 of this Act, the Governor may appoint members of the**  
14 **board.** ~~Each appointment shall be for a term of four (4) years expiring on June~~  
15 ~~30 of the fourth year. The cycle for appointments and expiration of terms shall~~  
16 ~~be as follows:~~
- 17 ~~(a) The first year of the four (4) year cycle, the terms for three (3) registered~~  
18 ~~nurses and one (1) licensed practical nurse shall expire;~~
- 19 ~~(b) The second year of the four (4) year cycle, the terms for three (3) registered~~  
20 ~~nurses and one (1) citizen at large shall expire;~~
- 21 ~~(c) The third year of the four (4) year cycle, the terms for two (2) registered~~  
22 ~~nurses, one (1) licensed practical nurse, and the one (1) member engaged in~~  
23 ~~practical nurse education who is a registered nurse shall expire; and~~
- 24 ~~(d) The fourth year of the four (4) year cycle, the terms for two (2) registered~~  
25 ~~nurses, one (1) licensed practical nurse, and one (1) citizen at large shall~~  
26 ~~expire.]~~
- 27 (3) (a) By March 1, the Kentucky Nurses Association shall submit to the Governor a

- 1 list of members qualified for appointment as R.N. members, in number not  
2 less than twice the number of appointments to be made, from which list the  
3 Governor shall make each appointment or appointments necessary by July 1.
- 4 (b) By March 1, Kentucky Licensed Practical Nurses Organization Incorporated  
5 shall submit to the Governor a list of names qualified for appointment as  
6 L.P.N. members, in number not less than twice the number of appointments to  
7 be made, from which list the Governor shall make each appointment or  
8 appointments as necessary by July 1.
- 9 (c) By March 1 of the year in which the nurse service administrator's term shall  
10 expire, the Kentucky Organization of Nurse Executives, an affiliate of the  
11 Kentucky Hospital Association, shall submit to the Governor two (2) names of  
12 qualified individuals for appointment as the nurse service administrator from  
13 which list the Governor shall make an appointment as necessary by July 1.
- 14 (d) By March 1, LeadingAge~~[the] Kentucky [Association of Nonprofit Homes~~  
15 ~~and Services for the Aging, Inc.,]~~ shall submit to the Governor two (2) names  
16 of qualified individuals for appointments as its R.N. representative to the  
17 board, from which the Governor shall make an appointment by July 1.
- 18 (e) By March 1 of the year in which the Kentucky Association of Health Care  
19 Facilities representative's term shall expire, the Kentucky Association of  
20 Health Care Facilities shall submit to the Governor two (2) names of qualified  
21 individuals for appointment as its R.N. representative to the board, from  
22 which list the Governor shall make an appointment as necessary by July 1.
- 23 (f) Initially, the Governor shall appoint one (1) member to serve as the registered  
24 nurse who is engaged in practical nurse education to serve the term remaining  
25 according to the cycle specified in subsection (2) of this section. By ~~August~~  
26 ~~1, 1996, Kentucky Licensed Practical Nurses Organization Incorporated shall~~  
27 ~~submit to the Governor two (2) names of qualified individuals for the~~

1           ~~appointment, from which list the Governor shall make the appointment by~~  
 2           ~~September 1, 1996. Thereafter, by~~ March 1 of the year in which the practical  
 3           nurse educator's term expires, Kentucky Licensed Practical Nurses  
 4           Organization Incorporated shall submit to the Governor two (2) names of  
 5           qualified individuals for the appointment, from which list the Governor shall  
 6           make the appointment by July 1.

7           (g) The Governor shall appoint two (2) members who shall be citizens at large,  
 8           who are not associated with or financially interested in the practice or business  
 9           regulated. The Governor shall make the appointments by July 1 of the year in  
 10          which the citizen members' terms expire.

11       ~~(4) A vacancy on the board shall be filled by the Governor as provided for under~~  
 12       ~~subsection (1) of this section.~~

13       ~~(5) The Governor may remove any member from the board for neglect of duty,~~  
 14       ~~incompetence, or unprofessional or dishonorable conduct.~~

15       ~~(6)~~ Each R.N. member of the board shall be a citizen of the United States, a resident of  
 16       Kentucky, a graduate of an approved school of nursing, and a registered nurse in  
 17       this state. All shall have had at least five (5) years of experience in nursing, three (3)  
 18       of which shall immediately precede ~~the~~such appointment. Five (5) members shall  
 19       be engaged in nursing practice; three (3) shall be engaged in nursing education; one  
 20       (1) shall be engaged in advanced practice registered nursing; and one (1) shall be in  
 21       nursing administration.

22       ~~(5)~~(7) Each L.P.N. member of the board shall be a citizen of the United States, a  
 23       resident of Kentucky, a graduate of an approved school of practical nursing or its  
 24       equivalent, licensed as a licensed practical nurse in this state, have at least five (5)  
 25       years of experience in nursing, three (3) of which shall immediately precede this  
 26       appointment, and be currently engaged in nursing practice.

27       ➔Section 75. KRS 314.131 is amended to read as follows:

- 1 (1) ~~[The board shall meet at least annually and shall elect from its members a president~~  
2 ~~and any other officers that it deems necessary. Nine members of the board including~~  
3 ~~one (1) officer shall constitute a quorum at any meeting.]~~ The board may~~[is~~  
4 ~~authorized to]~~ promulgate administrative regulations to execute and enforce this  
5 chapter, not inconsistent with the law and subject to~~[the provisions of]~~ KRS  
6 Chapter 13A~~[, as may be necessary to enable it to carry into effect the provisions of~~  
7 ~~this chapter]~~.
- 8 (2) The board shall:
- 9 (a) Approve programs of nursing and shall monitor compliance with standards for  
10 nurse competency under this chapter;
- 11 (b) ~~[It shall]~~ Examine, license, and renew the license of duly-qualified  
12 applicants;
- 13 (c) Determine notice of place and time of licensure examinations;
- 14 (d) Approve providers of continuing education;
- 15 (e) Administer continuing education requirements;
- 16 (f) Issue advisory opinions or declaratory rulings dealing with the practice of  
17 nursing;
- 18 (g) Register and designate those persons qualified to engage in advanced nursing  
19 practice;
- 20 (h) ~~[and it shall]~~ Conduct administrative hearings in accordance with KRS  
21 Chapter 13B upon charges calling for discipline of a licensee and cause the  
22 prosecution of all persons violating~~[any provisions of]~~ this chapter; and
- 23 (i) ~~[It shall]~~ Keep a record of all its proceedings and make an annual report to  
24 the Governor and the Legislative Research Commission.
- 25 (3) The board shall develop specific guidelines to follow upon receipt of an allegation  
26 of sexual misconduct by a nurse licensed by the board. The guidelines shall include  
27 investigation, inquiry, and hearing procedures which ensure that the process does

1 not revictimize the alleged victim or cause harm if a nurse is falsely accused.

2 (4) The board and investigators working for~~hired by~~ the board shall receive training  
3 on the dynamics of sexual misconduct of professionals, including the nature of this  
4 abuse of authority, characteristics of the offender, the impact on the victim, the  
5 possibility and the impact of false accusations, investigative procedure in sex  
6 offense cases, and effective intervention with victims and offenders.

7 ~~(5) The board shall employ a qualified person to serve as executive director to the  
8 board, and shall fix the compensation and define the duties of the executive  
9 director. It may employ other persons as may be necessary to carry on the work of  
10 the board.~~

11 ~~(6)~~ The executive director of the Nursing Authority shall have at least the  
12 qualifications for board members, and a master's degree in nursing or equivalent and  
13 shall have had at least two (2) years of experience in nursing administration  
14 immediately preceding the time of appointment.

15 ~~[(7) Each member of the board shall receive, in addition to traveling, hotel, and other  
16 necessary expenses, one hundred fifty dollars (\$150) for each day the member is  
17 actually engaged in the discharge of official duties.]~~

18 ~~(6)~~~~(8)~~ The board may, in its discretion, purchase liability insurance for board and  
19 staff members against acts performed in good faith discharge of duties.

20 ~~(7)~~~~(9)~~ The board may, by administrative regulation issued pursuant to ~~the provisions~~  
21 ~~of~~ KRS Chapter 13A, determine which disciplinary action records may be  
22 expunged. Any records which are expunged shall be exempt from disclosure under  
23 the Kentucky Open Records Law, KRS 61.870 to 61.884. The board shall not report  
24 its disciplinary actions for any purpose other than statistical.

25 ~~(8)~~~~(10)~~ The board may reimburse any person appointed by direction of the board to  
26 any committee, subcommittee, or task force created by the board for his or her  
27 travel and subsistence expenses as established through the promulgation of

1 administrative regulations in accordance with KRS Chapter 13A.

2 ➔Section 76. KRS 314.171 is amended to read as follows:

- 3 (1) The board may establish an alternative to discipline program to promote the early  
4 identification, intervention, treatment, and rehabilitation of nurses who may be  
5 impaired by reason of alcohol or drug abuse. In addition, the board may include in  
6 this program nurses or applicants who have practice competency deficits.
- 7 (2) The board may enter into a contractual agreement with a nonprofit corporation,  
8 nursing professional organization, or similar organization for the purpose of  
9 creating, supporting, and maintaining an alternative to discipline program.
- 10 (3) The board may promulgate administrative regulations pursuant to KRS Chapter  
11 13A to effectuate and implement an alternative to discipline program formed  
12 pursuant to this section.
- 13 (4) Beginning January 1, 1997, the board shall collect an assessment of five dollars (\$5)  
14 per year to be added to each nurse licensure renewal application fee payable to the  
15 board, proceeds from which shall be expended on the operation of an alternative to  
16 discipline program formed pursuant to this section.
- 17 (5) Any administrator, staff member, consultant, agent, volunteer, or employee of the  
18 alternative to discipline program acting within the scope of their duties and without  
19 actual malice, and all other persons who furnish information to the alternative to  
20 discipline program in good faith and without actual malice, shall not be liable for  
21 any claim or damages as a result of any statement, decision, opinion, investigation,  
22 or action taken by the alternative to discipline program or staff.
- 23 (6) All interviews, reports, statements, memoranda, or other documents furnished to or  
24 produced by the alternative to discipline program, all communications to or from  
25 the alternative to discipline program, and all proceedings, findings, and conclusions  
26 of the alternative to discipline program including those relating to intervention,  
27 treatment, or rehabilitation, which in any way pertain or refer to a nurse who is or

1           may be impaired, shall be privileged and confidential.

2       (7) All records and proceedings of the alternative to discipline program which pertain  
3           or refer to a nurse who is or may be impaired shall be privileged and confidential,  
4           shall be used by the alternative to discipline program, board members, or board staff  
5           only in the exercise of the proper function of the alternative to discipline program,  
6           shall not be considered public records, and shall not be subject to court subpoena,  
7           discovery, or introduction as evidence in any civil, criminal, or administrative  
8           proceedings except as described in subsection (8) of this section.

9       (8) The alternative to discipline program may only disclose information relative to an  
10          impaired nurse if:

11          (a) It is essential to disclose the information to persons or organizations needing  
12             the information in order to address the intervention, treatment, or  
13             rehabilitation needs of the impaired nurse;

14          (b) The release is authorized in writing by the impaired nurse; or

15          (c) The alternative to discipline program is required to make a report to the board  
16             pursuant to KRS 314.031(4).

17       (9) The alternative to discipline program may order an examination or evaluation under  
18           KRS 314.085 at any time following initial contact by a potential applicant to the  
19           program.

20       (10) Notwithstanding any other provision of law to the contrary, the board shall disclose  
21           the fact of a nurse's participation in the alternative to discipline program to the  
22           public. No information other than the nurse's participation in the alternative to  
23           discipline program shall be disclosed.

24       ➔Section 77. KRS 314A.200 is amended to read as follows:

25       (1) There is hereby created a Board of Respiratory Care which shall consist of seven (7)  
26           voting members appointed by the Governor.

27          (a) Four (4) members shall be respiratory care practitioners holding a valid

1 mandatory certificate and practicing in Kentucky;

2 (b) Two (2) members shall be pulmonologists who are licensed and practicing  
3 physicians in Kentucky; and

4 (c) One (1) member shall be a citizen at large who is not associated with or  
5 financially interested in respiratory care.

6 ~~(2) Members shall be appointed to the board for terms of three (3) years, expiring on  
7 October 30 of the third year. No person shall be appointed to serve more than two  
8 (2) consecutive terms.~~

9 ~~(3)~~ By May 30 of years in which respiratory care practitioner terms expire, the  
10 Kentucky Society for Respiratory Care shall submit to the Governor a list of names  
11 of candidates qualified for the appointment of respiratory care practitioner, in  
12 numbers not less than twice the numbers of appointments to be made, ~~[, from which]~~  
13 The Governor shall make each appointment or appointments by October 31 of that  
14 year, subject to Section 16 of this Act. The Governor shall also appoint the  
15 pulmonologist and citizen at-large members by October 31 of any year in which a  
16 term expires.

17 ~~[(4) A vacancy on the board shall be filled by the Governor as provided under  
18 subsection (1) of this section. The appointment shall be for the remaining portion of  
19 the member's term.~~

20 ~~(5) The Governor or board may remove a member from the board for cause or as  
21 provided under administrative regulations promulgated by the board in accordance  
22 with KRS Chapter 13A.~~

23 ~~(6) The board shall reorganize annually and select a chairperson. Four (4) voting  
24 members of the board shall constitute a quorum to do business. The board shall hold  
25 at least one (1) regular meeting each year. Additional meetings may be held upon  
26 the call of the chairperson or at the written request of any two (2) members of the  
27 board. All meetings of the board shall be open and public to the extent permitted by~~

1 law.]

2 ➔Section 78. KRS 314A.215 is amended to read as follows:

3 ~~[(1) The board members shall receive a compensation of fifty dollars (\$50) per day for~~  
4 ~~their services, and per diem and traveling expenses to the extent authorized by~~  
5 ~~board policy.~~

6 ~~(2) The board shall employ and, at its pleasure, discharge a secretary and such~~  
7 ~~attorneys, inspectors, clerks, and any other employees as shall be deemed necessary,~~  
8 ~~and shall outline their duties and fix their compensation. The amount of per diem~~  
9 ~~and mileage paid to employees shall be provided by board policy.~~

10 ~~(3) ]~~All money received by the board shall be deposited in the State Treasury into a  
11 separate trust fund for the board. The board shall be financed solely and individually from  
12 income accruing to it from fees, mandatory certificates, and other charges collected by the  
13 board.

14 ➔Section 79. KRS 315.035 is amended to read as follows:

15 (1) No person shall operate a pharmacy within this Commonwealth, physically or by  
16 means of the Internet, facsimile, phone, mail, or any other means, without having  
17 first obtained a permit under~~[as provided for in]~~ KRS Chapter 315. An application  
18 for a permit to operate a pharmacy shall be made to the board upon forms provided  
19 by it and shall contain any~~[such]~~ information~~[as]~~ the board requires, which may  
20 include affirmative evidence of ability to comply with any~~[such]~~ reasonable  
21 standards and rules and administrative regulations~~[as may be]~~ prescribed by the  
22 board. Each application shall be accompanied by a reasonable permit fee to be set  
23 by administrative regulation promulgated by the board pursuant to KRS Chapter  
24 13A, not to exceed two hundred fifty dollars (\$250) per year.

25 (2) Upon receipt of an application of a permit to operate a pharmacy, accompanied by  
26 the permit fee not to exceed two hundred fifty dollars (\$250) per year, the board  
27 shall issue a permit if the pharmacy meets the standards and requirements of KRS

1 Chapter 315 and the rules and administrative regulations of the board. The board  
2 shall refuse to renew any permit to operate unless the pharmacy meets the standards  
3 and requirements of KRS Chapter 315 and the rules and administrative regulations  
4 of the board. The board shall act upon an application for a permit to operate within  
5 fifteen (15)~~thirty (30)~~ days after the receipt of the application.~~thereof; provided,~~  
6 ~~however, that~~ The board may issue a temporary permit to operate in any instance  
7 where it considers additional time necessary for investigation and consideration  
8 before taking final action upon the application.~~In such event,~~ The temporary  
9 permit shall be valid for a period of thirty (30) days, unless extended.

10 (3) A separate permit to operate shall be required for each pharmacy.

11 (4) Each permit to operate a pharmacy, unless sooner suspended or revoked, shall  
12 expire on June 30 of the second year following its date of issuance and be  
13 renewable biennially~~annually thereafter~~ upon proper application accompanied by  
14 a~~such~~ reasonable renewal fee as ~~may be~~ set by administrative regulation of the  
15 board, not to exceed two hundred fifty dollars (\$250) per year nor to increase more  
16 than twenty-five dollars (\$25) per year. An additional fee not to exceed the ~~annual~~  
17 renewal fee may be assessed and set by administrative regulation as a delinquent  
18 renewal penalty for failure to renew by June 30 of each year.

19 (5) Permits to operate shall be issued only for the premises and persons named in the  
20 application and shall not be transferable, except~~; provided however,~~ that a buyer  
21 may operate the pharmacy under the permit of the seller pending a decision by the  
22 board of an application which shall be filed by the buyer with the board at least five  
23 (5) days prior to the date of sale.

24 (6) The board may promulgate administrative~~rules and~~ regulations to ensure~~assure~~  
25 that proper equipment and reference material is on hand considering the nature of  
26 the pharmaceutical practice conducted at the particular pharmacy and to  
27 ensure~~assure~~ reasonable health and sanitation standards for areas within

1 pharmacies which are not subject to health and sanitation standards promulgated by  
2 the Kentucky Cabinet for Health and Family Services or a local health department.

3 (7) Each pharmacy shall comply with KRS 218A.202.

4 (8) Any pharmacy within the Commonwealth that dispenses more than twenty-five  
5 percent (25%) of its total prescription volume as a result of an original prescription  
6 order received or solicited by use of the Internet, including but not limited to  
7 electronic mail, shall, prior to obtaining a permit, receive and display in every  
8 medium in which it advertises itself a seal of approval for the National Association  
9 of Boards of Pharmacy certifying that it is a Verified Internet Pharmacy Practice  
10 Site (VIPPS) or a seal certifying approval of a substantially similar program  
11 approved by the Kentucky Board of Pharmacy. VIPPS, or any other substantially  
12 similar program approved by the Kentucky Board of Pharmacy, accreditation shall  
13 be maintained and remain current.

14 (9) Any pharmacy within the Commonwealth doing business by use of the Internet  
15 shall certify the percentage of its annual business conducted via the Internet and  
16 submit such supporting documentation as requested by the board, and in a form or  
17 application required by the board, when it applies for permit or renewal.

18 (10) A pharmacist may temporarily operate a pharmacy in an area not designated on the  
19 permit as authorized in KRS 315.500.

20 ➔Section 80. KRS 315.036 is amended to read as follows:

21 (1) Except as provided in subsection (4) of this section, each manufacturer of drugs  
22 shall be required to register with and obtain a ***biennial*** permit from the board.  
23 ~~This~~~~Such~~ permit shall be issued in accordance with policy and procedure  
24 prescribed by ***administrative*** regulations of the board. Each application shall be  
25 accompanied by a reasonable permit fee to be set by administrative regulation of the  
26 board, not to exceed two hundred fifty dollars (\$250) ***per year***~~annually~~ or increase  
27 more than twenty-five dollars (\$25) per year.

1 (2) Manufacturers shall be required to maintain accurate records of all drugs  
2 manufactured, received, and sold, as established by administrative regulation of the  
3 board. ~~These~~~~[Such]~~ records shall be made available to agents of the board for  
4 inspection at reasonable times. The board may require by administrative regulation  
5 that manufacturers periodically report to the board all drugs manufactured, received,  
6 and sold.

7 (3) Failure to report to the board or willful submission of inaccurate information shall  
8 be grounds for disciplinary action under the provisions of KRS 315.131.

9 (4) The provisions of subsection (1) of this section do not apply to a pharmacist who, in  
10 the normal course of professional practice, compounds reasonable quantities of  
11 drugs pursuant to or in anticipation of a valid prescription drug order.

12 ➔Section 81. KRS 315.110 is amended to read as follows:

13 (1) Each license to practice pharmacy, unless sooner suspended or revoked, shall expire  
14 on February 28 of the second year following its date of issuance. Every pharmacist  
15 who desires to continue to practice pharmacy shall pay to the executive director of  
16 the board a reasonable renewal fee to be set by administrative regulation of the  
17 board, but not to exceed one hundred seventy-five dollars (\$175) for each  
18 year~~annually~~ or increase more than twenty-five dollars (\$25) per year, and shall  
19 file with the board an application in a~~[such]~~ form and containing~~[such]~~ data  
20 required by~~as~~ the board~~[may require]~~ for biennial renewal of the license. A  
21 delinquent renewal penalty fee not to exceed the renewal fee may be assessed and  
22 set by administrative regulation for each renewal period the licensee fails to renew  
23 the license after expiration.

24 (2) Every pharmacist shall keep his or her current certificate conspicuously displayed  
25 in the pharmacist's~~his~~ primary place of practice.

26 (3) In addition to a current renewal certificate, each pharmacist shall be issued upon  
27 renewal a pocket certificate which shall be in the licensee's possession at all times

1 when the licensee is engaged in the practice of pharmacy and which shall be  
2 exhibited by the licensee upon request from any member, inspector, or agent of the  
3 board.

4 ➔Section 82. KRS 315.126 is amended to read as follows:

- 5 (1) The board shall establish a pharmacist recovery network committee to promote the  
6 early identification, intervention, treatment, and rehabilitation of pharmacists and  
7 pharmacist interns who may be impaired by reason of illness, alcohol or drug abuse,  
8 or as a result of any other physical or mental condition.
- 9 (2) The board may enter into a contractual agreement with a nonprofit corporation,  
10 pharmacy professional organization, or similar organization for the purpose of  
11 creating, supporting, and maintaining a pharmacist recovery network committee.
- 12 (3) The board may promulgate administrative regulations pursuant to KRS Chapter  
13 13A to effectuate and implement the provisions of this section.
- 14 (4) ~~[Beginning July 15, 1998, ]~~The board shall collect an assessment of ten dollars  
15 (\$10) per year to be added to each licensure renewal application fee payable to the  
16 board. This assessment shall be expended by the board on the operation of the  
17 pharmacist recovery network committee.
- 18 (5) Members of a pharmacist recovery network committee, any administrator, staff  
19 member, consultant, agent, volunteer, or employee of the committee acting within  
20 the scope of his or her duties and without actual malice and all other persons who  
21 furnish information to the committee in good faith and without actual malice shall  
22 not be liable for any claim or damages as a result of any statement, decision,  
23 opinion, investigation, or action taken by the committee or by any individual  
24 member of the committee.
- 25 (6) All information, interviews, reports, statements, memoranda, or other documents  
26 furnished to or produced by the pharmacist recovery network committee, all  
27 communications to or from the committee, and all proceedings, findings, and

1 conclusions of the committee, including those relating to intervention, treatment, or  
 2 rehabilitation, that in any way pertain or refer to a pharmacist or pharmacist intern  
 3 who is or may be impaired shall be privileged and confidential.

4 (7) All records and proceedings of the committee that pertain or refer to a pharmacist or  
 5 pharmacist intern who is or may be impaired shall be privileged and confidential,  
 6 used by the committee and its members only in the exercise of the proper function  
 7 of the committee, not be considered public records, and not be subject to court  
 8 subpoena, discovery, or introduction as evidence in any civil, criminal, or  
 9 administrative proceedings, except as described in subsection (8) of this section.

10 (8) The committee may only disclose the information relative to an impaired  
 11 pharmacist or pharmacist intern if:

12 (a) It is essential to disclose the information to persons or organizations needing  
 13 the information in order to address the intervention, treatment, or  
 14 rehabilitation needs of the impaired pharmacist or pharmacist intern;

15 (b) The release is authorized in writing by the impaired pharmacist or pharmacist  
 16 intern; or

17 (c) The committee is required to make a report to the board pursuant to KRS  
 18 315.121.

19 ➔Section 83. KRS 315.138 is amended to read as follows:

20 (1) Every pharmacy technician who wishes to renew his or her registration shall pay to  
 21 the executive director of the board a biennial~~[an annual]~~ renewal fee of twenty-five  
 22 dollars (\$25) per year and shall file with the board an application in a~~[such]~~ form  
 23 and containing~~[such]~~ information that the board reasonably determines necessary to  
 24 renew the registration. Each pharmacy technician's registration shall expire on  
 25 March 31 of the second~~[each]~~ year. A delinquent renewal penalty fee not to exceed  
 26 twenty-five dollars (\$25) per year may be assessed for each renewal period the  
 27 registrant fails to remove his or her registration after the expiration of the

1 registration.

2 (2) Every pharmacy technician shall keep his or her current certificate of registration  
3 conspicuously displayed in the technician's primary place of employment.

4 (3) In addition to a current certificate of registration, each pharmacy technician shall be  
5 issued, upon renewal, a pocket registration card which shall be in the registrant's  
6 possession when the registrant is assisting in the practice of pharmacy. The pocket  
7 registration card shall be exhibited upon the request of any member, inspector, or  
8 agent of the board.

9 ➔Section 84. KRS 315.150 is amended to read as follows:

10 (1) The board shall consist of six (6) members appointed by the Governor. Five (5)  
11 members shall be pharmacists licensed in this state. One (1) member shall be a  
12 citizen at large, who is not associated with or financially interested in the practice of  
13 pharmacy.

14 (2) In any calendar year scheduled to be the last full calendar year of a member's regular  
15 term in office, the association shall select and submit to the Governor a list of five  
16 (5) pharmacists, each of whom has had at least five (5) years' experience in the  
17 practice of pharmacy, is a resident of the state and in good standing with the board.  
18 On or before March 1 of the same year, the society, other state pharmacy  
19 organizations, or individuals may submit recommendations to the association for its  
20 consideration in selecting the list to be submitted. **Subject to Section 16 of this Act,**  
21 the Governor shall, before October 1 of the same year, appoint no more than two (2)  
22 persons from each list so submitted, to take office on January 1 following. The  
23 citizen member shall be appointed by the Governor. No two (2) pharmacist  
24 members of the board shall be residents of the same county.

25 ~~(3) Beginning January 1, 2005, the term of each board member shall be four (4) years.~~  
26 ~~Each member shall serve until his or her successor is appointed and qualified,~~  
27 ~~unless removed for cause. No member shall be appointed to serve for more than two~~

1       ~~(2) full terms.~~

2       ~~(4)}~~ The Governor shall fill any vacancy of a pharmacist member~~[from the names last~~  
3       ~~submitted]~~ within sixty (60) days after the~~[such a]~~ vacancy occurs. Any member so  
4       appointed shall commence service at the next regularly-scheduled board meeting  
5       and shall serve for the remainder of the term vacated.

6       ~~(4)~~~~(5)}~~ Each member shall take and subscribe to an oath before a competent officer to  
7       perform the duties of the office faithfully and impartially. The oath shall be  
8       inscribed upon the member's commission.

9       ~~[(6) Four (4) members of the board shall constitute a quorum.]~~

10       ➔Section 85. KRS 315.155 is amended to read as follows:

11       ~~(1)[ The Governor may remove a member of the board for any of the following reasons:~~  
12       ~~(a) Refusal or inability of a board member to perform his duties as a member of~~  
13       ~~the board in an efficient, responsible and professional manner;~~  
14       ~~(b) Misuse of the office by a member of the board to obtain personal, pecuniary,~~  
15       ~~or material gain or advantage for himself or another;~~  
16       ~~(c) Willful violation of any provision of KRS Chapter 315 or any rule or~~  
17       ~~regulation promulgated thereunder.~~

18       ~~(2)}~~ Any person may file a complaint with the executive director of the board against a  
19       board member alleging specific facts which constitute grounds for removal from the  
20       board. The executive director shall transmit a copy of the~~[any such]~~ complaint to  
21       the Governor, the president of the board, and the accused board member. Upon a  
22       written recommendation of the Governor or two-thirds (2/3) of the members of the  
23       board, a hearing shall be conducted before an impartial hearing officer pursuant to  
24       KRS Chapter 13B.

25       ~~(2)~~~~(3)}~~ The hearing officer shall submit a transcript of the hearing to the Governor  
26       with a recommendation based on evidence presented in the hearing. The Governor  
27       shall review the transcript to determine if the evidence supports the

1 recommendation, and ***the Governor***~~[he]~~ shall enter a finding in accordance with  
2 ***this***~~[such]~~ determination.

3 ~~(3)~~~~[(4)]~~ ~~If~~~~[In the event]~~ a board member is removed, his ***or her*** removal shall be  
4 effective as of the date of the Governor's finding and a vacancy shall be deemed to  
5 exist. Any board member~~[so]~~ removed ***under this section*** shall be entitled to  
6 appeal the removal in the Franklin Circuit Court.

7 ➔Section 86. KRS 315.160 is amended to read as follows:

8 (1) ~~[The board shall elect annually from its membership a president and such other~~  
9 ~~officers as it deems necessary. These officers shall serve for a term of one (1) year~~  
10 ~~and perform the duties prescribed by the board. No officer shall serve more than~~  
11 ~~two (2) consecutive full terms in each office to which he is elected.]~~

12 ~~(2) The board shall employ a pharmacist to serve as a full time employee of the board~~  
13 ~~in the position of executive director.]~~The executive director ***of the Pharmacy***  
14 ***Authority*** shall be responsible for the performance of the administrative functions  
15 of the board and ***any***~~[such]~~ other duties ***to assist***~~[as]~~ the board~~[may direct. The~~  
16 ~~board may employ, upon recommendation of the executive director, such additional~~  
17 ~~assistance as necessary for the proper conduct of board business and in accordance~~  
18 ~~with the rules and regulations of the Kentucky Personnel Cabinet].~~

19 ~~(2)~~~~[(3)]~~ The board shall meet at least four (4) times a year to transact business~~[, at~~  
20 ~~such place as it may determine]~~. The board may also meet at the call of the  
21 president or a majority of the board members. Each board member shall be given  
22 adequate prior notice of any board meeting.

23 ➔Section 87. KRS 315.193 is amended to read as follows:

24 (1) Members of the board ***and***~~[,]~~ its agents~~[, and employees]~~ shall be immune from suit  
25 in any action, civil, or criminal, which is based upon any official act or acts  
26 performed by them in good faith.

27 (2) Any pharmacist, whose duty it is to review or evaluate the acts of other pharmacists

1 and who serves on any committee, board, commission, or other entity affiliated with  
2 a governmental or quasi-governmental agency or with a medical facility, shall not  
3 be required to respond in damages for any official action taken by the  
4 pharmacist~~[him]~~ in good faith as a member thereof.

5 ➔Section 88. KRS 315.230 is amended to read as follows:

6 (1) Notwithstanding the existence or pursuit of any other remedy (civil or criminal) the  
7 board is hereby authorized to institute and maintain actions to restrain and enjoin  
8 any violation of this chapter, or the rules and administrative regulations of the  
9 board.

10 (2) City, county, and Commonwealth's attorneys, and the Attorney General, shall within  
11 their respective jurisdictions represent the board, its officers, agents, and  
12 inspectors~~[,]~~ in the enforcement of the provisions of this chapter, and the rules and  
13 administrative regulations of the board~~[, but when the board deems it necessary, it~~  
14 ~~may employ at its discretion, special attorneys to assist the board, or its officers,~~  
15 ~~agents, or inspectors, and may pay reasonable compensation, fees and other costs~~  
16 ~~from any unexpended funds].~~

17 ➔Section 89. KRS 315.300 is amended to read as follows:

18 (1) A pharmacy shall be allowed to place drugs with a home health agency's authorized  
19 employees and with a hospice's authorized employees for the betterment of public  
20 health. The pharmacy shall remain the legal owner of the drugs.

21 (2) A written agreement between the pharmacy and home health agency or hospice  
22 shall document the protocol for the handling and storage of the drugs by authorized  
23 employees and shall be approved by the pharmacist in charge.

24 (3) The pharmacist in charge shall review the protocol to ensure~~[assure]~~ that safe,  
25 secure, and accountable handling of controlled legend drugs is maintained under the  
26 protocol before giving approval.

27 (4) The pharmacist in charge or a pharmacist designee shall physically inspect and

1 review the drug storage and handling at the home health agency and the hospice not  
2 less than annually.

3 (5) The home health agency and the hospice protocol shall include but not be limited to  
4 the following:

5 (a) Safe and secure storage of drugs;

6 (b) Access to drugs limited to authorized employees;

7 (c) Records of drugs checked out to authorized employees and records of drugs,  
8 amounts, and to whom and by whom administered;

9 (d) Prompt notification of the pharmacy when a drug is used, including the  
10 prescriber, patient, drug, dosage form, directions for use, and other pertinent  
11 information;

12 (e) Billing information;

13 (f) Procedures for handling drugs beyond their expiration date; and

14 (g) Inventory control.

15 (6) The following legend drugs shall be allowed under these agreements:

16 (a) Sterile water for injection or irrigation;

17 (b) Sterile saline solution for injection or irrigation;

18 (c) Heparin flush solution;

19 (d) Diphenhydramine injectable;

20 (e) Epinephrine injectable;

21 (f) Glucagon;

22 (g) Influenza vaccine; and

23 (h) Pneumonia vaccine.

24 (7) As used in this section:

25 (a) "Authorized employee" means any employee of a home health agency or  
26 hospice who, in the course of the employee's duties, is licensed by the  
27 employee's appropriate licensing agency to administer legend drugs;

1 (b) "Home health agency" means an entity required to be licensed under KRS  
2 Chapter 216; and

3 (c) "Hospice" means an entity authorized to hold itself out to the public as a  
4 hospice or as a licensed hospice pursuant to KRS Chapter 216.

5 (8) The Cabinet for Health and Family Services shall promulgate administrative  
6 regulations to implement the provisions of this section.

7 (9) Nothing in this section shall preclude or prevent a pharmacy from providing  
8 pharmacy services through an automated pharmacy system to a residential hospice  
9 facility in accordance with KRS 315.295.

10 ➔Section 90. KRS 315.340 is amended to read as follows:

11 (1) (a) A person shall not operate an outsourcing facility within this Commonwealth,  
12 physically or by means of the Internet, facsimile, phone, mail, or any other  
13 means, without first obtaining a permit from the board.

14 (b) An application for a permit to operate an outsourcing facility shall be made to  
15 the board upon forms provided by the board and shall contain any~~such~~  
16 information~~as~~ the board requires, which may include affirmative evidence  
17 of the ability to comply with the requirements of this chapter and the  
18 administrative regulations promulgated by the board.

19 (c) Each application shall be accompanied by a nonrefundable permit fee to be set  
20 by administrative regulation promulgated by the board, not to exceed five  
21 hundred dollars (\$500) per year.

22 (2) (a) As a prerequisite to obtaining or renewing a permit from the board, the  
23 outsourcing facility shall:

24 1. Register as an outsourcing facility with the United States Secretary of  
25 Health and Human Services in accordance with 21 U.S.C. sec. 353b; and

26 2. Submit a copy of a current inspection report resulting from an inspection  
27 conducted by the United States Food and Drug Administration that

1 indicates compliance with the requirements of state and federal law and  
2 regulations, including all applicable guidance documents and Current  
3 Good Manufacturing Practices published by the United States Food and  
4 Drug Administration.

5 (b) 1. The inspection report required pursuant to paragraph (a)2. of this  
6 subsection shall be deemed current for the purposes of this section if the  
7 inspection was conducted no more than:

8 a. One (1) year prior to the date of submission of an application for a  
9 permit to the board; or

10 b. Two (2) years prior to the date of submission of an application for  
11 renewal of a permit to the board.

12 2. If the outsourcing facility has not been inspected by the United States  
13 Food and Drug Administration within the period required under  
14 subparagraph 1. of this paragraph, the board may:

15 a. Accept an inspection report or other documentation from another  
16 entity that is satisfactory to the board; or

17 b. Cause an inspection to be conducted by its duly authorized agent  
18 and charge an inspection fee in an amount sufficient to cover the  
19 costs of the inspection.

20 (3) (a) Upon receipt of an application for a permit to operate an outsourcing facility  
21 accompanied by the permit fee prescribed by administrative regulation, the  
22 board shall:

23 1. Issue a permit if the outsourcing facility meets the requirements of this  
24 chapter and the administrative regulations promulgated by the board; or

25 2. Refuse to issue or renew any permit to operate if the outsourcing facility  
26 fails to meet the requirements of this chapter and the administrative  
27 regulations promulgated by the board.

- 1 (b) The board shall act upon an application for a permit to operate within *fifteen*  
2 *(15)*~~[thirty (30)]~~ days after the receipt of the application. The board may issue  
3 a temporary permit to operate in any instance where it considers additional  
4 time necessary for investigation and consideration before taking final action  
5 upon the application. The temporary permit shall be valid for a period of thirty  
6 (30) days, unless extended.
- 7 (4) A separate permit to operate shall be required for each outsourcing facility.
- 8 (5) (a) Each permit to operate an outsourcing facility, unless suspended or revoked,  
9 shall expire on June 30 *of the second year* following its date of issuance and  
10 be renewable *biennially*~~[annually thereafter]~~ upon proper application  
11 accompanied by the renewal fee as established by administrative regulations  
12 promulgated by the board. The renewal fee shall not exceed five hundred  
13 dollars (\$500) *per year*.
- 14 (b) An additional nonrefundable fee not to exceed the~~[annual]~~ renewal fee may  
15 be assessed and set by administrative regulation as a delinquent renewal  
16 penalty for failure to renew by June 30 of each *renewal* year.
- 17 (6) Permits to operate shall be issued only for the premises and persons named in the  
18 application and shall not be transferable, except that a buyer may operate the  
19 outsourcing facility under the permit of the seller pending a decision by the board  
20 on an application, which shall be filed by the buyer with the board at least five (5)  
21 days prior to the date of sale.
- 22 (7) The board may promulgate administrative regulations to ensure:
- 23 (a) That proper equipment and reference material is on hand considering the  
24 nature of the pharmaceutical practice conducted at the particular outsourcing  
25 facility; and
- 26 (b) Health and sanitation standards for areas within outsourcing facilities that  
27 adhere to Current Good Manufacturing Practices published by the United

1 States Food and Drug Administration.

2 (8) Each outsourcing facility shall comply with KRS 218A.202.

3 (9) Each outsourcing facility shall compound in compliance with the requirements of  
4 state and federal law and regulations, including all applicable guidance documents  
5 and Current Good Manufacturing Practices published by the United States Food and  
6 Drug Administration.

7 (10) A pharmacist may temporarily operate an outsourcing facility in an area not  
8 designated on the permit as authorized in KRS 315.500.

9 ➔Section 91. KRS 315.342 is amended to read as follows:

10 (1) (a) Each out-of-state outsourcing facility that does business physically or by  
11 means of the Internet, facsimile, phone, mail, or any other means, inside this  
12 Commonwealth, shall hold a current outsourcing facility permit issued by the  
13 board.

14 (b) An application for a permit to operate an out-of-state outsourcing facility shall  
15 be made to the board upon forms provided by it and shall contain any~~[such]~~  
16 information~~[as]~~ the board requires, which may include affirmative evidence  
17 of ability to comply with reasonable standards and administrative regulations  
18 promulgated~~[as may be prescribed]~~ by the board.

19 (c) Each application shall be accompanied by a permit fee to be set by  
20 administrative regulation promulgated by the board. The fee shall not exceed:

- 21 1. Two hundred fifty dollars (\$250) per year; or  
22 2. The current in-state outsourcing facility permit.

23 (2) (a) As a prerequisite to obtaining or renewing a permit from the board, the out-of-  
24 state outsourcing facility shall:

- 25 1. Register as an outsourcing facility with the United States Secretary of  
26 Health and Human Services in accordance with 21 U.S.C. sec. 353b; and  
27 2. Submit a copy of a current inspection report resulting from an inspection

1           conducted by the United States Food and Drug Administration that  
2           indicates compliance with the requirements of state and federal law and  
3           regulations, including all applicable guidance documents and Current  
4           Good Manufacturing Practices published by the United States Food and  
5           Drug Administration.

6           (b) 1. The inspection report required pursuant to paragraph (a)2. of this  
7           subsection shall be deemed current for the purposes of this section if the  
8           inspection was conducted no more than:

9           a. One (1) year prior to the date of submission of an application for a  
10           permit to the board; or

11           b. Two (2) years prior to the date of submission of an application for  
12           renewal of a permit to the board.

13           2. If the out-of-state outsourcing facility has not been inspected by the  
14           United States Food and Drug Administration within the required period  
15           required under subparagraph 1. of this paragraph, the board may:

16           a. Accept an inspection report or other documentation from another  
17           entity that is satisfactory to the board; or

18           b. Cause an inspection to be conducted by its duly authorized agent  
19           and may charge an inspection fee in an amount sufficient to cover  
20           the costs of the inspection.

21           (3) (a) Upon receipt of an application for a permit to operate an out-of-state  
22           outsourcing facility, accompanied by the permit fee required by subsection (1)  
23           of this section, the board shall:

24           1. Issue a permit if the out-of-state outsourcing facility meets the  
25           requirements of this chapter and the administrative regulations  
26           promulgated by the board; or

27           2. Refuse to renew any permit to operate unless the out-of-state

1                   outsourcing facility meets the requirements of this chapter and the  
2                   administrative regulations promulgated by the board.

3           (b) The board shall act upon an application for a permit to operate within fifteen  
4           (~~15~~)[~~thirty (30)~~] days after the receipt of the application[~~thereof~~]. The board  
5           may issue a temporary permit to operate in any instance where it considers  
6           additional time necessary for investigation and consideration before taking  
7           final action upon the application. The temporary permit shall be valid for a  
8           period of thirty (30) days, unless extended.

9           (4) A separate permit to operate shall be required for each out-of-state outsourcing  
10           facility.

11           (5) Each out-of-state outsourcing facility granted an out-of-state outsourcing facility  
12           permit by the board shall disclose to the board the location, names, and titles of all  
13           its principal corporate officers and all its pharmacists who are dispensing  
14           prescription drugs to entities within the Commonwealth. A report containing this  
15           information shall be made to the board on an annual basis and within thirty (30)  
16           days after any change of office, corporate officer, or pharmacist.

17           (6) (a) An out-of-state outsourcing facility granted an out-of-state outsourcing facility  
18           permit shall comply with all requests for information within three (3) business  
19           days of a written request by the board or its agents.

20           (b) An out-of-state outsourcing facility shall maintain at all times a valid  
21           unexpired permit, license, or registration to conduct the outsourcing facility in  
22           compliance with the laws of the jurisdiction in which it is a resident.

23           (c) As a prerequisite to seeking a permit from the board, the out-of-state  
24           outsourcing facility shall submit a copy of the most recent inspection report  
25           resulting from an inspection conducted by the regulatory or licensing agency  
26           of the jurisdiction in which it is located. Thereafter, the out-of-state  
27           outsourcing facility granted a permit shall submit to the board a copy of any

1 subsequent inspection report of the outsourcing facility conducted by the  
2 regulatory or licensing body of the jurisdiction in which it is located.

3 (7) Each out-of-state outsourcing facility granted an out-of-state outsourcing facility  
4 permit by the board shall maintain records of any controlled substances or  
5 dangerous drugs.

6 (8) Each out-of-state outsourcing facility shall, during its regular hours of operation, but  
7 not less than five (5) days per week and for a minimum of forty (40) hours per  
8 week, provide a toll-free telephone service directly to the pharmacist in charge of  
9 the out-of-state outsourcing facility for the purpose of facilitating communication. A  
10 toll-free number shall be placed on a label affixed to each container of drugs  
11 dispensed to an entity within the Commonwealth.

12 (9) An out-of-state outsourcing facility shall comply with KRS 218A.202.

13 (10) An out-of-state outsourcing facility doing business within the Commonwealth of  
14 Kentucky shall use the address on file with the board as the return address on the  
15 labels of any package shipped into or within the Commonwealth. The return address  
16 shall be placed on the package in a clear and prominent manner.

17 (11) (a) A permit to operate an out-of-state outsourcing facility, unless suspended or  
18 revoked, shall expire on June 30 ***of the second year*** following its date of  
19 issuance and be renewable ***biennially***~~annually thereafter~~ upon proper  
20 application accompanied by the nonrefundable renewal fee established by  
21 subsection (1) of this section.

22 (b) An additional nonrefundable fee not to exceed ***fifty percent (50%) of the***~~of the~~  
23 ~~annual~~ renewal fee may be assessed and set by administrative regulation as a  
24 delinquent renewal penalty for failure to renew by June 30 of each ***renewal***  
25 year.

26 (12) Permits to operate shall be issued only for the premises and persons named in the  
27 application and shall not be transferable, except that a buyer may operate the out-of-

1 state outsourcing facility under the permit of the seller pending a decision by the  
2 board on an application which shall be filed by the buyer with the board at least five  
3 (5) days prior to the date of sale.

4 (13) The board may promulgate administrative regulations to ensure that proper  
5 equipment and reference material is on hand considering the nature of the  
6 pharmaceutical practice conducted at the particular out-of-state outsourcing facility.

7 (14) Each out-of-state outsourcing facility shall compound in compliance with the  
8 requirements of state and federal law and regulations, to include all applicable  
9 guidance documents and Current Good Manufacturing Practices published by the  
10 United States Food and Drug Administration.

11 ➔Section 92. KRS 315.350 is amended to read as follows:

12 (1) A medical gas wholesaler, whether located within the Commonwealth or operating  
13 within the Commonwealth from a location outside the Commonwealth, shall be  
14 licensed by the board. Each *biennial* license *or biennial renewal* application shall  
15 be accompanied by a fee which shall:

16 (a) Be prescribed by administrative regulation promulgated by the board in an  
17 amount not to exceed two hundred fifty dollars (\$250) *per year*; and

18 (b) Not be increased by more than twenty-five dollars (\$25) per year.

19 (2) A medical gas wholesaler shall be required to maintain accurate records of all drugs  
20 handled. Records shall be made available to agents of the board for inspection upon  
21 request.

22 (3) Failure to report to the board or willful submission of inaccurate information shall  
23 be grounds for disciplinary action under KRS 315.121.

24 (4) The board shall promulgate administrative regulations to specify the criteria for  
25 licensure and discipline of a medical gas wholesaler.

26 ➔Section 93. KRS 315.402 is amended to read as follows:

27 (1) A wholesale distributor shall be licensed by the board under this section prior to

1 engaging in the wholesale distribution of prescription drugs in the Commonwealth.  
2 Each ***biennial*** license ***or biennial renewal*** application shall be accompanied by a  
3 reasonable fee prescribed by administrative regulation not to exceed two hundred  
4 fifty dollars (\$250) ***per year***~~[annually]~~ or increase more than twenty-five dollars  
5 (\$25) per year.

6 (2) A wholesale distributor shall be required to maintain accurate records of all drugs  
7 handled in accordance with KRS 315.400 to 315.412, and records shall be made  
8 available to agents of the board for inspection upon request.

9 (3) Licensing requirements that exceed the requirements of federal law shall not apply  
10 to a manufacturer distributing its own FDA-approved drugs or co-licensed products,  
11 unless there is reasonable cause to believe that the manufacturer presents a special  
12 risk of distributing counterfeit prescription drugs in the Commonwealth.

13 (4) Failure to report to the board or willful submission of inaccurate information shall  
14 be grounds for disciplinary action under the provisions of KRS 315.131.

15 (5) The board shall promulgate an administrative regulation pursuant to KRS Chapter  
16 13A to specify the criteria for licensure in conformity with the guidelines for state  
17 licensure of a wholesale prescription drug distributor issued by the FDA.

18 (6) Pursuant to KRS 61.878, information provided by an applicant under this section  
19 and any related administrative regulation shall not be disclosed to any person or  
20 entity other than the board.

21 ➔Section 94. KRS 315.4102 is amended to read as follows:

22 (1) Each facility of a third-party logistics provider located within Kentucky shall be  
23 licensed by the board prior to shipping a prescription drug:

24 (a) Within the borders of Kentucky; or

25 (b) To a location outside the borders of Kentucky.

26 (2) Licenses issued under subsection (1) of this section shall be renewed  
27 ***biennially***~~[annually]~~ upon:

- 1 (a) Completion of an application; and
- 2 (b) Payment of a renewal fee as established by administrative regulations
- 3 promulgated by the board.
- 4 (3) A third-party logistics provider located in another state seeking to ship a
- 5 prescription drug into Kentucky shall provide documentation upon request by the
- 6 ~~by the~~ board or its staff that the third-party logistics provider is licensed as a third-
- 7 party logistics provider by:
- 8 (a) The state from which the third-party logistics provider ships, if that state
- 9 licenses third-party logistics providers; or
- 10 (b) The United States Food and Drug Administration.
- 11 (4) A third-party logistics provider license shall be valid only for the name, ownership,
- 12 and location listed on the license. Changes of name, ownership, or location shall
- 13 require a new third-party logistics provider license.
- 14 (5) Changes in information required for licensure shall be reported to the board, in
- 15 writing, within ten (10) days of the change.
- 16 (6) A third-party logistics provider shall not operate from a place of residence.
- 17 (7) A third-party logistics provider facility shall be located apart and separate from any
- 18 retail pharmacy licensed by the board.
- 19 (8) A third-party logistics provider shall publicly display all licenses and have the most
- 20 recent state and federal inspection reports readily available.
- 21 ➔Section 95. KRS 316.125 is amended to read as follows:
- 22 (1) No person shall operate a full-service funeral establishment, a visitation and
- 23 ceremonial funeral service establishment, or an embalming service establishment in
- 24 the Commonwealth of Kentucky without first obtaining the applicable
- 25 establishment license issued by the board.
- 26 (2) The board shall issue the appropriate establishment license to an applicant who:
- 27 (a) Has paid to the board an establishment license fee, not to exceed two hundred

- 1           dollars (\$200) ***per year of licensure***, as set out in administrative regulations  
 2           promulgated by the board; and
- 3       (b) Has filed with the board a sworn statement that sets out the following:
- 4           1. Name of the funeral establishment;
- 5           2. Address of the funeral establishment;
- 6           3. Type of funeral establishment;
- 7           4. Owners of the funeral establishment, indicating which owners are  
 8           licensed by the board; and
- 9           5. Name and address of the Kentucky-licensed embalmer or the Kentucky-  
 10          licensed funeral director who will supervise the funeral establishment  
 11          pursuant to subsection (4) of this section.
- 12       (3) Each funeral establishment shall be licensed separately from any other funeral  
 13          establishment.
- 14       (4) Each funeral establishment, when in use, shall be under the supervision of a  
 15          Kentucky-licensed embalmer or a Kentucky-licensed funeral director.
- 16       (5) A Kentucky-licensed embalmer or a Kentucky-licensed funeral director shall not  
 17          supervise more than one (1) funeral establishment at the same time.
- 18       (6) The funeral establishment shall display in a public place in the establishment its  
 19          establishment license and the license of the embalmer or funeral director who  
 20          supervises the establishment pursuant to subsection (4) of this section.
- 21       ➔Section 96. KRS 316.130 is amended to read as follows:
- 22       (1) ~~A~~~~No~~ license granted under this chapter shall be issued or renewed for a period ***of***  
 23          ***two (2) years***~~[exceeding one (1) year]~~. Every license and renewal shall expire on  
 24          July 31 ***of the second year*** following the date of its issuance unless sooner revoked,  
 25          surrendered, or canceled.
- 26       (2) A person may renew an embalmer's license or a funeral director's license by paying  
 27          to the board a renewal fee, not to exceed one hundred dollars (\$100) ***per year***, as set

1 out in administrative regulations promulgated by the board.

2 (3) Except for the first licensure renewal following the issuance of an original license  
3 by the board, as a prerequisite for license renewal, every Kentucky-licensed  
4 embalmer and every Kentucky-licensed funeral director shall attend a minimum of  
5 twelve (12) hours every two (2) years in a continuing education program or  
6 programs approved by the board. Of these twelve (12) hours, **the board may require**  
7 **that up to**~~a minimum of~~ six (6) hours shall be attained from programs attended in  
8 a live, interactive, in-person format. Upon application to the board, the board may  
9 exempt a licensee from the continuing education requirements of this section if the  
10 applicant demonstrates that meeting the continuing education requirements of this  
11 section would work an undue hardship because of disability, illness, or other clearly  
12 mitigating circumstances, or if the applicant is seventy (70) years of age or older  
13 and is not actively involved in embalming or funeral directing. The board may use a  
14 portion of the ~~annual~~ license renewal fees for the purpose of contracting with  
15 accredited educational institutions, professional organizations, or other qualified  
16 persons to provide educational programs that meet this continuing education  
17 requirement.

18 (4) A licensed funeral establishment may renew its license by paying to the board a  
19 renewal fee equal to the establishment license fee.

20 (5) Any renewal not received by the board prior to July 31 **of the license expiration**  
21 **year shall**~~will~~ be assessed a late fee, not to exceed the amount of the renewal fee,  
22 as set out in administrative regulations promulgated by the board.

23 (6) A license granted under this chapter shall not be transferable.

24 ➔Section 97. KRS 316.140 is amended to read as follows:

25 (1) A person holding an embalmer's or a funeral director's license issued in another  
26 state or federal district may obtain a Kentucky embalmer's or a Kentucky funeral  
27 director's license if the board finds that the person, before or after obtaining a

1 license in another state or federal district, has met the same or similar requirements  
2 for a license as set out in KRS 316.030 and pays to the board a fee equal to the  
3 license renewal fee.

4 (2) A person holding an embalmer's or a funeral director's license issued in another  
5 state or federal district may obtain a courtesy card if the following conditions are  
6 met:

7 (a) The person is licensed as an embalmer or a funeral director in another state or  
8 federal district;

9 (b) The other state or federal district issues courtesy cards or similar permits to  
10 embalmers or funeral directors licensed in Kentucky;

11 (c) The person completes an application for a courtesy card on a form provided  
12 by the board; and

13 (d) The person pays a fee that shall not exceed the amount of the fee an embalmer  
14 or a funeral director licensed under this chapter is required to pay for license  
15 renewal.

16 (3) The board may issue a courtesy card to a licensed funeral director or licensed  
17 embalmer upon application and payment by the funeral director or embalmer of a  
18 fee prescribed by the board in administrative regulations promulgated under KRS  
19 Chapter 13A. The application ~~may~~**shall** be approved by the board~~[at its~~  
20 ~~discretion]~~. The requirement in KRS 316.030 that all Kentucky-licensed embalmers  
21 or funeral directors who practice in Kentucky shall practice from a funeral  
22 establishment that is licensed to operate under~~[the provisions of]~~ this chapter shall  
23 not apply to the holder of a courtesy card. The board shall promulgate  
24 administrative regulations necessary to administer and enforce this section.

25 (4) A ***biennial*** courtesy card issued under this chapter shall expire on July 31 of ***the***  
26 ***second***~~[each]~~ year.

27 (5) The holder of a courtesy card issued under this chapter may undertake the following

- 1 acts of funeral directing:
- 2 (a) Remove and transport unembalmed and embalmed dead human bodies to and  
3 from Kentucky to the state or states where the courtesy card holder is licensed  
4 as a funeral director;
- 5 (b) Prepare and complete sections of death certificates and other disposition  
6 permits needed for the disposition of deceased human remains, without the  
7 assistance of, or being under the supervision of, an embalmer or funeral  
8 director licensed under this chapter; and
- 9 (c) Only a licensed funeral director who has been issued a courtesy card under  
10 this subsection may supervise and conduct funeral ceremonies in Kentucky  
11 without the assistance of a Kentucky funeral director.
- 12 (6) A courtesy card holder pursuant to this chapter shall comply with all the laws of  
13 Kentucky when engaged in any acts of funeral directing in this state. The board may  
14 revoke or suspend the courtesy card, or subject the courtesy card holder to discipline  
15 in accordance with the laws applicable to funeral directors and embalmers licensed  
16 under this chapter. Any disciplinary measures taken by the board against a courtesy  
17 card holder shall be reported by the board to the state board or agency that issued  
18 the courtesy card holder's funeral director or embalmer's license or certification.
- 19 (7) The holder of a courtesy card issued under this chapter shall not engage in the  
20 following acts:
- 21 (a) Transfer the courtesy card to another individual;
- 22 (b) Own or operate a funeral home, crematory, or office that provides or offers to  
23 sell or arrange funeral or disposition services in Kentucky; and
- 24 (c) Except as provided in subsection (5) of this section, perform any of the acts  
25 related to the practice of funeral directing in Kentucky, including:
- 26 1. Arranging for a funeral or disposition service with members of the  
27 public;

- 1           2.    Being employed by, or contracted to perform funeral or embalming
- 2                    services in Kentucky by, a funeral home licensed under this chapter;
- 3           3.    Advertising funeral or disposition services;
- 4           4.    Executing contracts for funeral or disposition services in Kentucky;
- 5           5.    Preparing or embalming deceased human remains in Kentucky; or
- 6           6.    Exhuming or disinterring human remains in Kentucky.

7           ➔Section 98. KRS 316.170 is amended to read as follows:

- 8   (1) The board shall consist of five (5) members who shall be residents of the
- 9    Commonwealth of Kentucky. Four (4) members shall be Kentucky-licensed
- 10   embalmers and Kentucky-licensed funeral directors actively practicing embalming
- 11   and funeral directing in a Kentucky funeral establishment and shall have a
- 12   minimum of ten (10) years' consecutive experience in the practice of embalming
- 13   and funeral directing in Kentucky immediately preceding their appointment. One (1)
- 14   member shall be a citizen at large who is not associated with or financially
- 15   interested in the practice or business regulated.
- 16   (2) The Governor shall make all appointments to the board. **Subject to Section 16 of**
- 17   **this Act,** the four (4) embalmer and funeral director members shall be appointed
- 18   from a list of three (3) names submitted by the Funeral Directors Association of
- 19   Kentucky and from a list of three (3) names submitted by the Kentucky Association
- 20   of Morticians, Inc., for each position to be filled.
- 21   ~~{(3) The term of each member shall be four (4) years. Each member shall serve until a~~
- 22   ~~successor is appointed and qualified.~~
- 23   ~~(4) Vacancies on the board shall be filled in the same manner for the unexpired terms.~~
- 24   ~~(5) (a) Until January 1, 2015, each board member shall receive one hundred dollars~~
- 25   ~~(\$100); and~~
- 26   ~~(b) On January 1, 2015, and thereafter, each board member shall receive~~
- 27   ~~compensation as set forth in administrative regulation, not to exceed two~~

1           hundred dollars (\$200);

2       — for each day of service actually given in carrying out the board's duties and shall be  
3       reimbursed for necessary traveling expenses and other necessary expenses incurred  
4       in attending board meetings and carrying out the board's duties.

5       ~~(6) — The board shall elect annually a president from its members.~~

6       ~~(7) — The board shall meet as often as necessary to discharge its duties, but not less than  
7       once a year.~~

8       ~~(8) — Three (3) members shall constitute a quorum.]~~

9       ➔Section 99. KRS 316.210 is amended to read as follows:

10      (1) The board shall administer and enforce the provisions of this chapter and may  
11      promulgate administrative regulations pursuant to KRS Chapter 13A to carry out  
12      and enforce~~[the provisions of]~~ this chapter.

13      (2) The board shall keep records and minutes necessary to carry out~~[the provisions of]~~  
14      this chapter.

15      (3) The board may administer oaths and may issue subpoenas to compel the attendance  
16      of witnesses and the production of documents.

17      (4) The board may seek injunctive relief in Franklin Circuit Court to restrain or enjoin a  
18      violation of this chapter.

19      ~~[(5) — The board may employ persons as necessary to carry out the requirements of this  
20      chapter.]~~

21      ➔Section 100. KRS 316.260 is amended to read as follows:

22      There shall be appointed by the board an agent whose title shall be "inspector of the  
23      Board of Funeral Directors and Embalmers of the Commonwealth of Kentucky."~~[The~~  
24      ~~inspector shall receive such compensation as the board may determine.]~~ The inspector  
25      shall hold office during the pleasure of the board, which shall determine *the*  
26      *inspector's*~~[what his]~~ duties~~[shall be]~~. The inspector may enter the office, premises,  
27      establishment, or place of business of any funeral director or embalmer in the

1 Commonwealth of Kentucky or any office, premises, establishment, or place where the  
2 practice of funeral directing or embalming is carried on, or where the practice is  
3 advertised as being carried on, for the purpose of inspecting the office, premises, or  
4 establishment for violations of this chapter and for the purpose of inspecting the license  
5 and registration of any funeral director, embalmer, licensee, or resident apprentice  
6 operating in the office, premises, or establishment~~[therein]~~.

7 ➔Section 101. KRS 317.410 is amended to read as follows:

8 As used in this chapter, unless the context requires otherwise:

- 9 (1) A "barber" is any person who engages in the practice of "barbering" for the public  
10 generally or for consideration;
- 11 (2) "Barbering" is the practice upon the human neck and head, principally of shaving or  
12 trimming the beard or cutting the hair, but includes also:
- 13 (a) Giving facial and scalp massage or treatments with oils, creams, lotions, or  
14 other preparations, either by hand or any contrivance;
- 15 (b) Singeing, shampooing, pressing, arranging, dressing, or dyeing the hair or  
16 applying hair tonics; and
- 17 (c) Applying to the neck or head cosmetics, lotions, powders, oils, clays, or other  
18 preparations;
- 19 (3) "Barber pole" means a cylinder or pole with alternating stripes of any combination,  
20 including but not limited to red and white, or red, white, and blue, which run  
21 diagonally along the length of the pole;
- 22 (4) "Barber school" or "school of barbering" means an operation, place, or  
23 establishment of whatsoever kind or form in or through which persons are trained or  
24 taught the practice of barbering;
- 25 (5) "Barber shop" is any establishment of whatsoever kind in which the practice of  
26 barbering is conducted for the general public or for consideration;
- 27 (6) "Board" means the Kentucky Board of Barbering;

1 (7) "Independent contract owner" means any barber licensed under this chapter who  
2 leases or rents space in a barber shop; and

3 (8) "Lapse fees" means the ~~annual~~ renewal license fee which would have been paid  
4 for the period during which a license has lapsed.

5 ➔Section 102. KRS 317.430 is amended to read as follows:

6 (1) There is hereby created an ~~independent~~ agency of the state government to be  
7 known as the Kentucky Board of Barbering, which shall have complete supervision  
8 over the administration of ~~the provisions of~~ this chapter relating to barbers,  
9 barbering, barber shops, independent contract owners, barber schools, and the  
10 teaching of barbering.

11 (2) The Kentucky Board of Barbering, also ~~hereinafter~~ referred to as the barber board  
12 or board in this chapter, shall be composed of five (5) members appointed by the  
13 Governor. Four (4) members shall be barbers holding a valid license and practicing  
14 in Kentucky. One (1) member shall be a citizen at large who is not associated with  
15 or financially interested in barbering. At all times in the filling of vacancies of  
16 membership on the barber board, this balance of representation shall be maintained.

17 ~~(3) The two (2) members appointed to fill the terms beginning on February 1, 2008,~~  
18 ~~shall serve until February 1, 2011, and the three (3) members appointed to fill the~~  
19 ~~terms beginning on February 1, 2007, shall serve until February 1, 2010. All~~  
20 ~~subsequent appointments shall be for a term of three (3) years, with terms ending on~~  
21 ~~February 1.~~

22 ~~(4) The Governor shall not remove any member of the barber board except for cause.~~

23 ~~(5) The barber board shall elect from its members one (1) to serve as chairman, one (1)~~  
24 ~~to serve as vice chairman, and a third to serve as secretary.~~

25 ~~(6) Three (3) members shall constitute a quorum for the transaction of business.~~

26 ~~(7)~~ In addition to the other qualifications specified in this section, barber members of  
27 the barber board shall be at least twenty-three (23) years of age, citizens of the

1 United States, residents of Kentucky, and ~~shall~~~~must~~ have engaged in the practice  
2 of barbering in this state for a period of at least five (5) years.

3 ~~(4)~~~~(8)~~ No member of the barber board shall be financially interested in, or have any  
4 financial connection with, any barber or cosmetology school, wholesale cosmetic or  
5 barber supply or equipment business, nor shall any member of the barber board  
6 teach barbering, cosmetology, or manicuring for monetary considerations.

7 ~~[(9) Each member of the barber board shall receive a compensation of one hundred~~  
8 ~~dollars (\$100) per day for each day of attendance at a meeting of the board, and~~  
9 ~~shall be reimbursed for necessary traveling expenses.~~

10 ~~(10) The board shall hold its meetings within the state and when deemed necessary by~~  
11 ~~the board to discharge its duties.]~~

12 ➔Section 103. KRS 317.450 is amended to read as follows:

13 (1) (a) The board shall issue a probationary license to practice barbering to any  
14 person who:

- 15 1. Is at least seventeen and one-half (17-1/2) years of age;
- 16 2. Is of good moral character and temperate habit;
- 17 3. Possesses a high school diploma, a High School Equivalency Diploma,  
18 or a transcript from an issuing institution that is recognized by the  
19 educational authority in the state from which the diploma, certificate, or  
20 transcript is issued;
- 21 4. Has graduated from a licensed school of barbering;
- 22 5. Has satisfactorily passed the probationary examination prescribed by the  
23 barber board, which shall include a practical assessment of the  
24 applicant's skills, including but not limited to a haircut and a chemical  
25 application; and
- 26 6. Has paid a fee not to exceed fifty dollars (\$50).

27 (b) A barber shall serve a probationary period of six (6) months of continuous

1 service from the effective date of the license issued pursuant to paragraph (a)  
2 of this subsection.

3 (c) In addition to the grounds for disciplinary action specified in KRS 317.590,  
4 the board may, during the probationary period, require a licensee to retake any  
5 part or all of the written or practical examination, or both.

6 (d) At the end of the probationary period, the board shall issue a license to  
7 practice barbering to a probationary licensee who has:

8 1. Satisfactorily passed the barber examination prescribed by the board by  
9 administrative regulations promulgated in accordance with KRS Chapter  
10 13A; and

11 2. Complied with all other requirements of this subsection.

12 (e) The board may issue a barber license by endorsement to a resident of another  
13 state, district, or territory within the United States of America upon payment  
14 of a fee not to exceed two hundred fifty dollars (\$250) and upon submission of  
15 satisfactory evidence that the requirements for licensure in the other state are  
16 substantially equivalent to the requirements of this state at the time of  
17 application. In the absence of the required equivalency, an applicant from  
18 another state, district, or territory within the United States of America, shall  
19 show proof of three (3) years or more experience immediately before making  
20 application and be currently licensed and in good standing with the state,  
21 district, or territory in which he or she is licensed. The board may also require  
22 an applicant under this section to pass a written and practical examination to  
23 establish equivalency.

24 (2) The board shall:

25 (a) Issue a license to operate a barber shop to any barber licensed under the  
26 provisions of this chapter upon application and payment of a fee not to exceed  
27 fifty dollars (\$50) *per year*;

- 1 (b) Refuse to issue the license upon a failure of the licensed barber to comply  
2 with~~[the provisions of]~~ this chapter or the administrative regulations  
3 promulgated by the board;
- 4 (c) Allow the licensed owner of a barber shop, which is licensed under this  
5 chapter, to rent or lease space in his or her barber shop to an independent  
6 contract owner; and
- 7 (d) Allow an unlicensed owner of a barber shop, which is licensed under this  
8 chapter and managed by a barber licensed under this chapter, to rent or lease  
9 space in his or her barber shop to an independent contract owner.
- 10 (3) The board shall issue a license to operate a school of barbering to any person, firm,  
11 or corporation who or which:
- 12 (a) Applies for a license upon forms furnished by the board;
- 13 (b) Has the equipment and facilities~~[that may be]~~ required by administrative  
14 regulations promulgated by the board;
- 15 (c) Has furnished adequate evidence to the board that:
- 16 1. There is an intent to establish a bona fide school for the education and  
17 training of competent barbers; and
- 18 2. A sufficient number of teachers licensed by the board will be employed  
19 to conduct the school, including at least one (1) teacher with a minimum  
20 of twelve (12) months' experience teaching in a barber school that  
21 includes administrative experience; and
- 22 (d) Pays a fee not to exceed one hundred fifty dollars (\$150) per year.
- 23 (4) The board shall issue a license to teach barbering to any person who:
- 24 (a) Is of good moral character and temperate habit;
- 25 (b) Possesses a high school diploma or a High School Equivalency Diploma;
- 26 (c) Has been a licensed and practicing barber for at least eighteen (18) months;
- 27 (d) Has satisfactorily passed the examination prescribed by the board by

- 1 promulgation of administrative regulations; and
- 2 (e) Has paid a fee not to exceed one hundred dollars (\$100) ***per year***.
- 3 (5) The board shall issue a license to any barber who holds an independent contract  
4 owner's license who:
- 5 (a) Is of good moral character and temperate habit;
- 6 (b) Possesses a high school diploma or a High School Equivalency Diploma;
- 7 (c) Is a licensed and practicing barber under this chapter; and
- 8 (d) Has paid a fee not to exceed fifty dollars (\$50) ***per year***.
- 9 (6) Applications for examination required in this section shall be accompanied by an  
10 examination fee as follows:
- 11 (a) Barber -- not to exceed three hundred dollars (\$300); and
- 12 (b) Teaching barbering -- not to exceed one hundred fifty dollars (\$150).
- 13 (7) (a) ~~[On and after July 1, 2016, ]~~A ***biennial*** license issued ***or renewed*** pursuant to  
14 this section shall expire on the first day of July ***of the second year***~~[next]~~  
15 following the date of its issuance. A license shall be renewed on June 1  
16 through July 1 of each ***renewal*** year.
- 17 (b) Any license shall automatically be renewed by the board:
- 18 1. Upon receipt of the application for renewal or duplicate renewal  
19 application form and the required~~[annual]~~ renewal license fee submitted  
20 either in person or via written or electronic means; and
- 21 2. If the applicant for renewal is otherwise in compliance with the  
22 provisions of this chapter and the administrative regulations of the  
23 board.
- 24 (8) The~~[annual]~~ renewal license fee for each type of license renewal shall be as follows  
25 ***for each year of renewal***:
- 26 (a) Barber -- not to exceed fifty dollars (\$50);
- 27 (b) Teacher of barbering -- not to exceed fifty dollars (\$50);

- 1 (c) Barber shop -- not to exceed fifty dollars (\$50);
- 2 (d) Barber school -- not to exceed one hundred fifty dollars (\$150); and
- 3 (e) Independent contract owner -- not to exceed fifty dollars (\$50).
- 4 (9) (a) The fee per year for the renewal of an expired license, if the period of
- 5 expiration does not exceed five (5) years, shall be as follows:
- 6 1. Barber -- not to exceed twenty-five dollars (\$25) plus lapse fees;
- 7 2. Barber shop -- not to exceed twenty-five dollars (\$25) plus lapse fees;
- 8 3. Barber school -- not to exceed twenty-five dollars (\$25) plus lapse fees;
- 9 4. Teacher of barbering -- not to exceed twenty-five dollars (\$25) plus
- 10 lapse fees; and
- 11 5. Independent contract owner - - not to exceed twenty-five dollars (\$25)
- 12 plus lapse fees.
- 13 (b) An applicant who fails to renew a license within five (5) years of its expiration
- 14 shall comply with the requirements for relicensure established by the board
- 15 through promulgation of administrative regulations in accordance with KRS
- 16 Chapter 13A.

17 ➔Section 104. KRS 317.470 is amended to read as follows:

- 18 ~~{(1) The barber board may employ such personnel as may be reasonably necessary to~~
- 19 ~~carry out the provisions of this chapter, whose compensation shall be established by~~
- 20 ~~the Personnel Cabinet. The board shall by appropriate order employ an~~
- 21 ~~administrator who shall be charged with responsibility of administering the~~
- 22 ~~provisions of this chapter, and the policies of the board relating to barbering. The~~
- 23 ~~administrator may receive a salary of \$12,000 per annum, or such compensation as~~
- 24 ~~may be established by classification of the position by the Personnel Cabinet.~~
- 25 (2) ~~The barber board shall prescribe the duties of such personnel employed by it.~~
- 26 (3) ~~The barber board shall publish and distribute~~ *updated* ~~copies of its rules and~~
- 27 *administrative* ~~regulations and revisions thereof~~ to all persons licensed by it and to

1 ~~such~~ other ***required or authorized*** persons, places, or agencies ~~as may be required by~~  
 2 ~~law or deemed by it reasonably necessary in the administration of the provisions of this~~  
 3 ~~chapter~~, but ***these***~~such~~ publications shall be clearly stamped, marked, or printed  
 4 "informational copy."

5 ➔Section 105. KRS 317.530 is amended to read as follows:

6 (1) All fees and charges collected by the barber board shall be paid into the State  
 7 Treasury and credited to a separate revolving or trust and agency account  
 8 established for the purpose of administering ~~the provisions of~~ this chapter as it  
 9 relates to the barber board. The cost and expenses of administering ~~the provisions~~  
 10 ~~of~~ this chapter including compensation to members of the board and its officers  
 11 ~~and employees~~ shall be paid out of the State Treasury upon warrants of the  
 12 secretary of the Finance and Administration Cabinet according to law provided that  
 13 the total expense of administering these provisions shall not exceed the fees and  
 14 other charges collected by the board and available in the revolving or trust and  
 15 agency fund account of the Kentucky Board of Barbering.

16 (2) All fees and charges collected by the board shall be available for the administration  
 17 of ~~the provisions of~~ this chapter as it relates to the board, and for no other purpose.

18 ➔Section 106. KRS 317A.030 is amended to read as follows:

19 (1) There is created an ~~independent~~ agency of the state government to be known as  
 20 the Kentucky Board of Hairdressers and Cosmetologists, which shall have complete  
 21 supervision over the administration of ~~the provisions of~~ this chapter relating to  
 22 cosmetology, cosmetologists, schools of cosmetology, students enrolled in  
 23 cosmetology, apprentice cosmetologists, nail technicians, teachers of cosmetology,  
 24 cosmetology salons, and nail salons.

25 (2) The cosmetologist board shall be composed of five (5) members appointed by the  
 26 Governor as follows:

27 (a) Four (4) of the members shall have been cosmetologists five (5) years prior to

1 their appointment and shall reside in Kentucky:

2 1. Two (2) of whom shall be cosmetology salon owners;

3 2. One (1) of whom shall be a cosmetology teacher in public education and  
4 shall not own any interest in a cosmetology salon; and

5 3. One (1) of whom shall be an owner of or one who shall have a financial  
6 interest in a licensed cosmetology school and shall be a member of a  
7 nationally recognized association of hairdressers and cosmetologists;

8 (b) One (1) member shall be a citizen at large who is not associated with or  
9 financially interested in the practices or businesses regulated; and

10 (c) None of whom nor the administrator shall be financially interested in, or have  
11 any financial connection with, wholesale cosmetic supply or equipment  
12 businesses.

13 At all times in the filling of vacancies of membership on the board, this balance of  
14 representation shall be maintained.

15 ~~[(3) Appointments shall be for a term of two (2) years, ending on February 1.~~

16 ~~(4) The Governor shall not remove any member of the board except for cause.~~

17 ~~(5) The board shall elect from its members a chair, a vice chair, and a secretary.~~

18 ~~(6) Three (3) members shall constitute a quorum for the transaction of any board  
19 business.~~

20 ~~(7) Each member of the board shall receive one hundred dollars (\$100) per day for each  
21 day of attendance at board meetings, and shall be reimbursed for necessary traveling  
22 expenses and necessary expenses incurred in the performance of duties pertaining to  
23 official business of the board.~~

24 ~~(8) The board shall hold meetings at the place in the state and at the times deemed  
25 necessary by the board to discharge its duties.]~~

26 ➔Section 107. KRS 317A.040 is amended to read as follows:

27 (1) The cosmetologist board may utilize~~employ~~ inspectors ~~and such other personnel~~

1 as may be reasonably necessary] to carry out[ the provisions of] this chapter[, whose  
2 compensations shall be established within budgetary limits by the Personnel  
3 Cabinet].

4 (2)[ The cosmetologist board shall by appropriate order employ an administrator who  
5 shall be charged with the responsibility of administering the provisions of this  
6 chapter, and the policies and administrative regulations of the board relating to  
7 hairdressing and cosmetology.

8 (3)] No person shall serve[be employed] as an administrator unless the person is a  
9 licensed cosmetologist.

10 (3)[(4) — The administrator may receive a salary of \$7,500 per annum, or such  
11 compensation as may be established by classification of the position by the  
12 Personnel Cabinet.

13 (5)] The cosmetologist board shall publish or electronically provide updated copies of  
14 its administrative regulations[ and revisions thereof] to all persons licensed by it and  
15 to any[such] other required or authorized persons, places, or agencies[ as may be  
16 required by law or deemed by it reasonably necessary to the administration of the  
17 provisions of this chapter], but these[such] publications shall be clearly marked,  
18 stamped, or printed "Informational Copy."

19 ➔Section 108. KRS 317A.050 is amended to read as follows:

20 (1) The cosmetologist board shall issue an apprentice cosmetologist license to any  
21 person who:

22 (a) Is of good moral character and temperate habit;

23 (b) Is at least sixteen (16) years of age;

24 (c) Has a high school diploma, a High School Equivalency Diploma, or the  
25 results from the Test for Adult Basic Education indicating a score equivalent  
26 to the twelfth grade of high school;

27 (d) Has official certification from the state board or agency that certifies

1           cosmetology schools that the applicant has graduated from a licensed school  
2           of cosmetology requiring:

- 3           1.   One thousand eight hundred (1,800) hours within ten (10) years of  
4           submitting an application for licensure for applicants enrolled prior to  
5           June 29, 2017, in a school of cosmetology licensed in Kentucky;
- 6           2.   One thousand five hundred (1,500) hours within ten (10) years of  
7           submitting an application for licensure for applicants enrolling on or  
8           after June 29, 2017, in a school of cosmetology licensed in Kentucky; or
- 9           3.   One thousand five hundred (1,500) hours within ten (10) years of  
10          submitting an application for licensure for applicants who graduated  
11          from a school of cosmetology licensed in a jurisdiction outside of the  
12          Commonwealth;

13          (e) Has passed an examination prescribed by the board to determine fitness to  
14          practice as an apprentice cosmetologist; and

15          (f) Has paid a fee of twenty-five dollars (\$25) per year.

16   (2) The cosmetologist board shall issue a cosmetologist license to any person who:

17          (a) Has a high school diploma, a High School Equivalency Diploma, or the  
18          results from the Test for Adult Basic Education indicating a score equivalent  
19          to the twelfth grade of high school;

20          (b) Has practiced as a licensed cosmetology apprentice for at least six (6) months  
21          under the immediate supervision of a licensed cosmetologist;

22          (c) Has satisfactorily passed an examination prescribed by the board to determine  
23          fitness to practice cosmetology; and

24          (d) Has paid a fee of twenty-five dollars (\$25) per year.

25   (3) The cosmetologist board shall issue a license to act as a nail technician to any  
26          person who:

27          (a) Is of good moral character and temperate habit;

- 1 (b) Has official certification from the state board or agency that certifies  
2 cosmetology schools that the applicant has completed satisfactorily a nail  
3 technician course of study of six hundred (600) hours in a licensed school of  
4 cosmetology within ten (10) years of submitting an application for licensure;
- 5 (c) Has satisfactorily passed an examination prescribed by the board to determine  
6 fitness to practice as a nail technician;
- 7 (d) Has a high school diploma, a High School Equivalency Diploma, or the  
8 results from the Test for Adult Basic Education indicating a score equivalent  
9 to the twelfth grade of high school; and
- 10 (e) Has paid a fee of twenty-five dollars (\$25) *per year*.
- 11 (4) (a) The cosmetologist board shall issue a license to operate a beauty salon to any  
12 licensed cosmetologist upon receipt of the completed application,  
13 accompanied by a fee of thirty-five dollars (\$35) *per year*. The board may  
14 refuse to issue a license if the applicant fails to comply with the provisions of  
15 this chapter or the administrative regulations promulgated by the board. If an  
16 owner is not a licensed cosmetologist, he or she shall have a licensed  
17 cosmetologist manage the beauty salon at all times. A new license shall be  
18 purchased if the salon's owner, manager, or location changes.
- 19 (b) The cosmetologist board shall issue a license to operate a nail salon to any  
20 licensed nail technician upon receipt of the completed application and  
21 payment of a fee of thirty-five dollars (\$35) *per year*. The board may refuse to  
22 issue a license if the applicant fails to comply with the provisions of this  
23 chapter or administrative regulations promulgated by the board pursuant to  
24 this chapter. An owner who is not a licensed nail technician shall have a  
25 licensed nail technician or cosmetologist as manager of the nail salon at all  
26 times. If the owner, manager, or location of a nail salon changes, a new license  
27 shall be purchased.

- 1 (c) Any person who leases or rents space in a beauty salon or nail salon shall be  
2 considered an independent owner and shall meet the qualifications for the  
3 respective salon owner as set out in paragraphs (a) and (b) of this subsection.
- 4 (5) The cosmetologist board shall issue an apprentice license to teach cosmetology to  
5 any person who:
- 6 (a) Has paid a fee of thirty-five dollars (\$35) *per year*;
- 7 (b) Has a high school diploma, a High School Equivalency Diploma, or the  
8 results from the Test for Adult Basic Education indicating a score equivalent  
9 to the twelfth grade of high school and one (1) year experience as a licensed  
10 cosmetologist; and
- 11 (c) Has submitted an application that has been signed by the owners of the school  
12 in which the applicant will study. The course of instruction shall be for a  
13 period of one thousand (1,000) hours and not less than six (6) months at one  
14 (1) school providing this instruction. The school owner shall verify to the  
15 board the completion of one thousand (1,000) hours. For out-of-state  
16 verification, an applicant shall provide official certification from the board or  
17 agency that certifies schools in that other state of licensure verifying the  
18 applicant has completed a course of instruction consisting of at least one  
19 thousand (1,000) hours and not less than six (6) months at one (1) school  
20 providing the instruction.
- 21 (6) The cosmetologist board shall issue a license to teach cosmetology to any person  
22 who:
- 23 (a) Is of good moral character and temperate habit;
- 24 (b) Has a high school diploma, a High School Equivalency Diploma, or the  
25 results from the Test for Adult Basic Education indicating a score equivalent  
26 to the twelfth grade of high school;
- 27 (c) Has held an apprentice instructor license for at least six (6) months;

- 1 (d) Has satisfactorily passed the examination for the teaching of cosmetology as  
2 prescribed by the board; and
- 3 (e) Has paid a fee of fifty dollars (\$50) ***per year***.
- 4 (7) The cosmetologist board may issue a license to operate a school of cosmetology to  
5 any person who:
- 6 (a) Has complied with the administrative regulations promulgated by the board  
7 including but not limited to administrative regulations governing the necessary  
8 equipment, supplies, and facilities;
- 9 (b) Has furnished proof to the board that the school of cosmetology is needed,  
10 that ***the applicant***~~[he or she]~~ is otherwise qualified to operate a school of  
11 cosmetology, and that he or she intends to establish a bona fide school for the  
12 education and training of competent cosmetologists and that ***the applicant***  
13 ***shall***~~[he or she will]~~ employ a sufficient number of licensed instructors of  
14 cosmetology to conduct the school;
- 15 (c) Has as manager at all times a person who is:
- 16 1. Licensed as an instructor;
- 17 2. Charged with the responsibility of ensuring that all applicable statutes  
18 and administrative regulations are complied with; and
- 19 3. Responsible for having a sufficient number of licensed instructors of  
20 cosmetology to conduct the school.
- 21 The designated manager shall be approved by the board before a license may  
22 be issued;
- 23 (d) Complies with the administrative regulations promulgated by the board  
24 including but not limited to those regarding courses, curriculum, and hours of  
25 instruction;
- 26 (e) Otherwise complies with this chapter;
- 27 (f) Has paid a fee of one thousand five hundred dollars (\$1,500) ***per year***;

- 1 (g) Has been a resident of Kentucky for five (5) years, if the applicant is an  
2 individual. If the applicant is a firm or corporation, it shall be a Kentucky  
3 corporation or licensed or qualified to do business in Kentucky and shall have  
4 been in existence for a period of at least five (5) years;
- 5 (h) Any student enrolling in the school shall pay a fee of fifteen dollars (\$15) to  
6 the board before enrollment in the school shall be allowed; and
- 7 (i) The transfer of any license to operate a school of cosmetology shall require the  
8 board's approval and shall become effective upon filing a new application  
9 with the board and paying a fee of one thousand five hundred dollars (\$1,500).
- 10 (8) **(a) Licenses and permits issued by the board shall be for a term of two (2)**  
11 **years, and each license and permit renewal shall be for a term of two (2)**  
12 **years.**
- 13 **(b)** Licenses and permits issued by the board may be renewed upon receipt,  
14 beginning July 1 through July 31 of each **renewal** year. The application for  
15 renewal shall be completed in full and accompanied by the appropriate  
16 renewal fee required by subsection (9) of this section. Applications for  
17 renewal shall comply with~~[the provisions of]~~ this chapter and the  
18 administrative regulations promulgated by the board. Any license application  
19 received or postmarked after July 31 **of the renewal year** shall be considered  
20 expired, and the appropriate restoration fee required by subsection (11) of this  
21 section shall apply.
- 22 (9) The **biennial**~~[annual]~~ renewal license or permit fee for each type of license or  
23 permit renewal shall be as follows **for each year of licensure:**
- 24 (a) Apprentice cosmetologist -- \$20;
- 25 (b) Cosmetologist -- \$20;
- 26 (c) Nail technician -- \$20;
- 27 (d) Beauty salon -- \$25;

- 1 (e) Nail salon -- \$25;
- 2 (f) Apprentice instructor of cosmetology -- \$25;
- 3 (g) Instructor of cosmetology -- \$35;
- 4 (h) Cosmetology school -- \$150;
- 5 (i) Threading permit -- \$20; and
- 6 (j) Threading facility permit -- \$25.

7 (10) Applications for examinations required by this section shall be accompanied by an  
8 examination fee as follows:

- 9 (a) Apprentice cosmetologist -- \$75;
- 10 (b) Cosmetologist -- \$75;
- 11 (c) Nail technician -- \$75;
- 12 (d) Instructor of cosmetology -- \$100;
- 13 (e) Cosmetologist out-of-state -- \$120; and
- 14 (f) Instructor out-of-state -- \$200.

15 (11) The fee for the restoration of an expired license where the period of expiration does  
16 not exceed five (5) years from date of expiration, shall be as follows:

- 17 (a) Apprentice cosmetologist -- \$75;
- 18 (b) Cosmetologist -- \$75;
- 19 (c) Nail technician -- \$75;
- 20 (d) Beauty salon -- \$75;
- 21 (e) Nail salon -- \$75;
- 22 (f) Cosmetology school -- \$750;
- 23 (g) Instructor -- \$100; and
- 24 (h) Apprentice instructor -- \$75.

25 (12) The requirements for a new license for any person whose license has expired for a  
26 period exceeding five (5) years shall be as follows:

- 27 (a) Cosmetologists shall retake and pass the practical examination only;

- 1 (b) Apprentice cosmetologists shall complete four hundred fifty (450) additional  
2 hours training in a licensed school of cosmetology and pass all the prescribed  
3 examinations;
- 4 (c) Instructors of cosmetology shall retake and pass both the practical and theory  
5 examination;
- 6 (d) Nail technicians shall retake and pass the practical and theory examination;  
7 and
- 8 (e) The appropriate restoration fee as set forth in subsection (11) of this section  
9 shall be required.
- 10 (13) Guest artists or demonstrators appearing and demonstrating before persons other  
11 than licensed hairdressers, cosmetologists, and nail technicians shall pay a fee of  
12 fifty dollars (\$50) for a permit that shall be in effect for ten (10) days. Guest artists  
13 performing before a nonprofit, recognized professional hairdressers, cosmetologists,  
14 cosmetology school, or nail technicians group shall apply for a permit, but shall not  
15 be required to pay the fee.
- 16 (14) The board shall issue a ***biennial*** permit for threading and may promulgate  
17 administrative regulations that set out requirements for the practice of threading  
18 upon payment of a fee of twenty dollars (\$20) ***per year***. Threading shall be  
19 conducted in a licensed beauty salon or facility permitted to engage in threading,  
20 and the board may promulgate administrative regulations for facilities and the  
21 required sanitation standards.
- 22 (15) The fee for certification shall be twenty dollars (\$20).
- 23 (16) The fee for a duplicate license shall be twenty-five dollars (\$25).
- 24 ➔Section 109. KRS 317A.062 is amended to read as follows:
- 25 (1) Notwithstanding the provisions of this chapter to the contrary, the cosmetology  
26 board shall promulgate administrative regulations establishing a reasonable  
27 schedule of fees and charges for examinations, for the issuance of ***biennial*** licenses,

1 and for the renewal of ***biennial*** licenses issued under this chapter. All ~~such~~ fees,  
 2 charges, and other moneys collected by the board~~;~~ shall be paid into the State  
 3 Treasury and credited to a trust and agency fund established under KRS 317A.080.  
 4 The fees shall be established pursuant to subsections (2) to (7) of this section.

5 (2) The following licensing fees may be assessed by the cosmetology board and shall  
 6 not exceed the following amounts ***per year of licensure***:

- 7 (a) Apprentice cosmetologist .....\$25.00
- 8 (b) Cosmetologist .....\$25.00
- 9 (c) Nail technician.....\$25.00
- 10 (d) Beauty salon operator .....\$35.00
- 11 (e) Nail salon operator.....\$35.00
- 12 (f) Apprentice cosmetology instructor .....\$35.00
- 13 (g) Cosmetology instructor.....\$50.00
- 14 (h) School of cosmetology.....\$1,500.00
- 15 (i) Student.....\$15.00
- 16 (j) School of cosmetology, transfer of ownership .....\$1,500.00
- 17 (k) School of cosmetology, manager
- 18 change.....\$250.00

19 (3) The board shall assess the following licensing renewal fees that shall not exceed the  
 20 following ***per year of licensure***:

- 21 (a) Apprentice cosmetologist .....\$20.00
- 22 (b) Cosmetologist .....\$20.00
- 23 (c) Nail technician license .....\$20.00
- 24 (d) Beauty salon license.....\$25.00
- 25 (e) Nail salon license .....\$25.00
- 26 (f) Apprentice instructor of cosmetology.....\$25.00
- 27 (g) Instructor of cosmetology .....\$35.00

1 (h) Cosmetology school.....\$150.00

2 (4) The cosmetology board shall assess fees for the taking of an examination that shall  
3 not exceed the following:

4 (a) Apprentice cosmetologist .....\$75.00

5 (b) Cosmetologist .....\$75.00

6 (c) Nail technician .....\$75.00

7 (d) Instructor of cosmetology .....\$100.00

8 (e) Cosmetologist out-of-state.....\$120.00

9 (f) Instructor out-of-state .....\$200.00

10 (5) The fee for retaking an examination or any portion of an examination that an  
11 applicant has not successfully completed shall not exceed the following:

12 (a) Apprentice cosmetologist .....\$32.00

13 (b) Cosmetologist .....\$32.00

14 (c) Nail technician .....\$32.00

15 (d) Instructor of cosmetology .....\$50.00

16 (e) Cosmetologist out-of-state.....\$60.00

17 (f) Instructor out-of-state .....\$100.00

18 (6) The fees for the restoration of an expired license where the period of expiration  
19 does not exceed five (5) years from date of expiration shall not exceed the  
20 following:

21 (a) Apprentice cosmetologist .....\$75.00

22 (b) Cosmetologist .....\$75.00

23 (c) Nail technician .....\$75.00

24 (d) Beauty salon.....\$75.00

25 (e) Nail salon.....\$75.00

26 (f) Cosmetology school.....\$750.00

27 (g) Instructor.....\$100.00

- 1 (h) Apprentice instructor .....\$75.00
- 2 (7) The following miscellaneous fees may be assessed and shall not exceed the
- 3 following:
- 4 (a) Guest artists .....\$50.00
- 5 (b) Certification fee .....\$20.00
- 6 (c) Duplicate license.....\$25.00
- 7 (d) Where an endorsement application is required by the
- 8 board.....\$100.00

9 ➔Section 110. KRS 317A.080 is amended to read as follows:

10 (1) All fees and charges collected by the cosmetologist board shall be paid into the

11 State Treasury and credited to a separate revolving or trust and agency fund account

12 established for the purpose of administering~~[ the provisions of]~~ this chapter as it

13 relates to the cosmetologist board. The cost and expenses of administering~~[ the~~

14 ~~provisions of]~~ this chapter including compensation to members of the board and its

15 officers~~[ and employees]~~ shall be paid out of the State Treasury upon warrants of

16 the secretary of the Finance and Administration Cabinet according to law provided

17 that the total expense of administering these provisions shall not exceed the fees and

18 other charges collected by the board and available in the revolving or trust and

19 agency fund account of that board;

20 (2) All fees and charges collected by the board shall be available for the administration

21 of~~[ the provisions of]~~ this chapter as it relates to the board, and for no other purpose.

22 ➔Section 111. KRS 317B.020 is amended to read as follows:

23 (1) The board shall administer and enforce this chapter and shall evaluate the

24 qualifications of applicants for licensure and the issuance of licenses.

25 ~~(2)[ The board may employ inspectors, staff, and other personnel as reasonably~~

26 ~~necessary to carry out this chapter. The compensation shall be established by the~~

27 ~~board.~~

- 1 ~~(3)~~ The board may promulgate administrative regulations, including but not limited to  
2 administrative regulations that:
- 3 (a) Protect the health and safety of the public;
  - 4 (b) Protect the public against incompetent or unethical practice,  
5 misrepresentation, deceit, or fraud in the practice of esthetics or teaching of  
6 esthetic practices;
  - 7 (c) Set standards for the operation of the schools and salons;
  - 8 (d) Protect the students;
  - 9 (e) Establish the quality of equipment, supplies, materials, records, and  
10 furnishings required in esthetic salons or classrooms;
  - 11 (f) Establish course work and conduct of school owners, instructors, estheticians,  
12 esthetic salons, and cosmetology schools conducting classes in esthetic  
13 practices;
  - 14 (g) Set the requirements for the proper education and training of students;
  - 15 (h) Establish the qualifications of instructors of esthetic practices;
  - 16 (i) Set standards for the hours and courses of instruction in esthetic practices;
  - 17 (j) Establish the examinations of applicants for licenses;
  - 18 (k) Establish a code of ethics for persons licensed by the board; and
  - 19 (l) Establish fees required pursuant to this chapter.
- 20 ~~(3)~~~~(4)~~ Administrative regulations pertaining to health and sanitation shall be  
21 approved by the Cabinet for Health and Family Services before becoming effective.
- 22 ➔Section 112. KRS 317B.025 is amended to read as follows:
- 23 (1) The board shall issue an esthetician license to any person who:
    - 24 (a) Is of good moral character and temperate habit;
    - 25 (b) Is at least eighteen (18) years of age;
    - 26 (c) Has a high school diploma, a High School Equivalency Diploma, or the  
27 results from the Test for Adult Basic Education indicating a score equivalent

- 1 to the twelfth grade of high school;
- 2 (d) Has satisfactorily completed one thousand (1,000) hours of instruction in a  
3 licensed school approved by the board;
- 4 (e) Has received a satisfactory grade on an examination prescribed by the board to  
5 determine fitness to practice as an esthetician; and
- 6 (f) Has paid a fee of at least seventy-five dollars (\$75) per licensure year to be  
7 adjusted as needed in administrative regulations promulgated by the board.
- 8 (2) The board may issue a license to a cosmetologist who seeks dual licensure as an  
9 esthetician by offering a dual cosmetologist and esthetician license to individuals  
10 who meet licensure criteria for a cosmetologist as in KRS Chapter 317A and  
11 licensure criteria for an esthetician as in this chapter. The fee for the dual license for  
12 license renewal shall be determined by the board as promulgated in administrative  
13 regulations. Nothing in this chapter shall prohibit separate licensure of  
14 cosmetologists and estheticians.
- 15 (3) The board shall issue licenses as follows:
- 16 (a) A license to operate an esthetic salon shall be issued to any licensed  
17 esthetician upon receipt of:
- 18 1. The completed application; and
- 19 2. A fee of at least one hundred twenty-five dollars (\$125) per licensure  
20 year to be adjusted as needed in administrative regulations promulgated  
21 by the board.
- 22 (b) If an owner is not a licensed esthetician, the owner shall have a licensed  
23 esthetician manage the esthetic salon at all times. A new license shall be  
24 purchased if the salon's owner, manager, or location changes.
- 25 (c) Licensed esthetic salons shall have the furnishings and salon equipment  
26 required pursuant to administrative regulations adopted by the board.
- 27 (d) Any licensed esthetician who leases or rents space or pays a fee to do business

1 in a beauty salon or esthetic salon shall be considered an independent owner  
2 and shall meet the qualifications for the respective salon owner as set out in  
3 paragraphs (a), (b), and (c) of this subsection.

4 (e) The board may refuse to issue a license if the applicant fails to comply with  
5 this chapter or the administrative regulations promulgated by the board.

6 (4) The board shall issue a license to teach esthetic practices to any person who:

7 (a) Is of good moral character and temperate habit;

8 (b) Is at least eighteen (18) years of age;

9 (c) Has a high school diploma, a High School Equivalency Diploma, or the  
10 results from the Test for Adult Basic Education indicating a score equivalent  
11 to the twelfth grade of high school;

12 (d) Holds a current cosmetologist and instructor's license;

13 (e) Has completed fifty (50) hours in esthetics training within the last two (2)  
14 years;

15 (f) Has received a satisfactory grade on the examination for the teaching of  
16 esthetics as prescribed by the board; and

17 (g) Has paid a fee promulgated by the board in administrative regulations.

18 (5) The board may issue a license to teach esthetic practices to an individual with two  
19 (2) or more years' experience in teaching esthetic practices in another jurisdiction  
20 who meets the requirements of paragraphs (a), (b), and (c) of subsection (3) of this  
21 section.

22 (6) Courses in esthetic practices may be taught at any licensed cosmetology school that  
23 complies with the administrative regulations promulgated by the board under this  
24 chapter.

25 (7) Applications for esthetician examinations required by this section shall be  
26 accompanied by an examination fee of at least one hundred twenty-five dollars  
27 (\$125) to be adjusted as needed in administrative regulations promulgated by the

1 board.

2 ➔Section 113. KRS 317B.030 is amended to read as follows:

3 (1) All applications for license renewal shall comply with this chapter and the  
4 administrative regulations promulgated by the board.

5 (2) *An initial license or renewal license granted under this chapter shall be for a*  
6 *term of two (2) years.* Any license application postmarked after July 31 *of the*  
7 *renewal year* shall be considered expired. The board shall promulgate through  
8 administrative regulations the appropriate restoration fee based on length of time a  
9 license has been expired for a period up to five (5) years. After five (5) years,  
10 restoration fees shall be required in addition to an examination, additional course  
11 work, or both.

12 ➔Section 114. KRS 319.020 is amended to read as follows:

13 (1) The board shall consist of nine (9) members appointed by the Governor. Six (6)  
14 members shall be licensed psychologists. Two (2) members shall be credentialed by  
15 the board as certified psychologists, licensed psychological practitioners, or licensed  
16 psychological associates. One (1) member shall be a citizen at large who is not  
17 associated with or financially interested in the practice or business regulated.

18 (2) Licensed psychologist members shall be appointed by the Governor from a group  
19 consisting of the three (3) nominees receiving the most votes for each position to be  
20 filled, the nominees to be selected by all licensed psychologists credentialed under  
21 this chapter from a list of eligible candidates prepared by the Kentucky  
22 Psychological Association. Candidates shall be solicited from all licensed  
23 psychologists credentialed according to the provisions of this chapter and each  
24 nominee shall be a licensed psychologist credentialed according to the provisions of  
25 this chapter. Each licensed psychologist member shall be a resident of this state and  
26 shall have engaged in the practice or teaching of psychology as a licensed  
27 psychologist for at least three (3) years in this state.

1 (3) Certified psychologist, licensed psychological practitioner, or licensed  
2 psychological associate members shall be appointed by the Governor from a group  
3 consisting of the three (3) nominees receiving the most votes for each position to be  
4 filled, the nominees to be selected by all certified psychologists, licensed  
5 psychological practitioners, and licensed psychological associates credentialed  
6 under this chapter from a list of eligible candidates prepared by the Kentucky  
7 Psychological Association. Candidates shall be solicited from all certified  
8 psychologists, licensed psychological practitioners, and licensed psychological  
9 associates credentialed under~~[according to the provisions of]~~ this chapter. Each  
10 nominee shall be a resident of this state, licensed according to~~[the provisions of]~~  
11 this chapter, and shall have engaged in the practice or teaching of psychology as a  
12 certified psychologist, licensed psychological practitioner, or licensed psychological  
13 associate for at least three (3) years in this state.

14 ~~[(4) The term of each board member shall be four (4) years and until a successor is~~  
15 ~~appointed and qualified. No member shall serve more than two (2) consecutive full~~  
16 ~~terms. The Governor shall fill any vacancy occurring in the board in the manner~~  
17 ~~prescribed in subsection (2) of this section. Upon recommendation by a majority of~~  
18 ~~the board members and after notice and a hearing, the Governor shall remove any~~  
19 ~~member for incompetence, neglect of duty, or malfeasance in office.~~

20 ~~(5) Five (5) members of the board shall constitute a quorum. Each member shall~~  
21 ~~receive one hundred dollars (\$100) per day for attending each meeting and shall~~  
22 ~~receive his necessary expenses incurred in the performance of the duties required by~~  
23 ~~this chapter. Annually the board shall elect one (1) of its licensed members as~~  
24 ~~chairperson for a term of one (1) year. No person shall serve more than two (2)~~  
25 ~~consecutive full terms as chairperson. The board shall meet at least twice annually~~  
26 ~~and at other times as it determines necessary. Special meetings may be called by the~~  
27 ~~chairperson and shall be called upon the written request of two (2) members.]~~

1       ➔Section 115. KRS 319.030 is amended to read as follows:

- 2       (1) On September 1~~June 30~~ of each year the board shall submit to the Governor and  
3       the Legislative Research Commission a written report including the names of all  
4       persons to whom licenses have been granted as provided in this chapter and any  
5       cases heard and decisions rendered.
- 6       (2) The board may locate its principal office, meet, or conduct any of its business at any  
7       place in this state.
- 8       (3) The board shall keep a record of its proceedings and a register of licensed and  
9       certified psychologists, licensed psychological practitioners, and licensed  
10      psychological associates. The books and records of the board shall be prima facie  
11      evidence of the matters they contain~~therein contained~~.

12      ➔Section 116. KRS 319A.070 is amended to read as follows:

- 13      (1) The board shall administer and enforce~~the provisions of~~ this chapter and shall  
14      evaluate~~have the responsibility of evaluating~~ the qualifications of applicants for  
15      licensure.
- 16      (2) The board may issue subpoenas, examine witnesses, administer oaths, and  
17      investigate allegations of practices violating the provisions of this chapter.
- 18      (3) The board may:
- 19          (a) Promulgate administrative regulations, pursuant to KRS Chapter 13A, relating  
20          to professional conduct to carry out the provisions of this chapter, including  
21          but not limited to administrative regulations relating to professional licensure  
22          and holding a license to practice occupational therapy or assist in the practice  
23          of occupational therapy in the Commonwealth;
- 24          (b) Conduct administrative hearings in accordance with KRS Chapter 13B;
- 25          (c) Evaluate the qualifications and authorize the issuance of licenses to qualified  
26          occupational therapists and occupational therapy assistants;
- 27          (d) Issue and renew biennial licenses based on evidence of initial and continued

- 1 competence of persons subject to this chapter;
- 2 (e) Suspend or revoke licenses;
- 3 (f) Require the continuing professional education of persons subject to this  
4 chapter;
- 5 (g) Keep a record of its proceedings and a register of all persons licensed as  
6 occupational therapists or occupational therapy assistants. The register shall  
7 show the name of every licensee, the licensee's last known place of business  
8 and last known place of residence, and the date and number of the license of  
9 each licensed occupational therapist or occupational therapy assistant. The  
10 board shall, during the month of January of every year, compile and make  
11 available a list of licensed occupational therapists and occupational therapy  
12 assistants authorized to practice in the Commonwealth. Any citizen of the  
13 Commonwealth may obtain a copy of the list upon application to the board  
14 and payment of an amount to be fixed by the board, which shall not exceed its  
15 cost;
- 16 (h) Make an annual report to the Governor and the Legislative Research  
17 Commission that~~[General Assembly which]~~ shall contain an account of duties  
18 performed, actions taken, and appropriate recommendations;
- 19 (i) Institute and maintain actions to restrain or enjoin any violation of this chapter  
20 and administrative regulations notwithstanding the existence or pursuit of  
21 other civil or criminal penalties;
- 22 (j) Approve an examination for occupational therapists and occupational therapy  
23 assistants and establish standards for acceptable performance;
- 24 (k) Seek an injunction in Franklin Circuit Court against any individual who  
25 practices occupational therapy in the Commonwealth without a license; and
- 26 (l) Promulgate administrative regulations to define appropriate supervision of  
27 assistants, aides, and unlicensed personnel that are delivering occupational

1 therapy services.

2 ➔Section 117. KRS 319A.160 is amended to read as follows:

- 3 (1) ***Biennial*** licenses issued under this chapter shall be subject to ***biennial***~~[annual]~~  
4 renewal and shall expire unless renewed upon the payment of a renewal fee in the  
5 manner prescribed ***through administrative regulations promulgated*** by ~~the rules~~  
6 ~~of~~ the board.
- 7 (2) The board may set a required number of continuing education units for license  
8 renewal.
- 9 (3) At least thirty (30) days before the renewal date, the board shall mail an application  
10 for renewal to every person to whom a license was issued during the current  
11 licensure period.
- 12 (4) A sixty (60) day grace period shall be allowed during which time licenses may be  
13 renewed on payment of a late renewal fee as set forth in administrative regulations  
14 promulgated by the board.
- 15 (5) The board may provide for the late renewal of a license upon the payment of a late  
16 fee in accordance with its rules, but no ~~such~~ renewal of a license may be granted  
17 more than five (5) years after its expiration.
- 18 (6) Licenses not renewed in a timely manner or by the end of the grace period shall be  
19 considered expired. Expired licenses may be restored in accordance with the  
20 requirements set forth by the board in administrative regulation. A person who fails  
21 to restore his ***or her*** license within five (5) years after its expiration may not restore  
22 it, and it shall not be restored, reissued, or reinstated ***after that date***~~[thereafter]~~. The  
23 person may apply for and obtain a new license if current requirements of this  
24 chapter are met.
- 25 (7) Any person practicing occupational therapy after the license has expired shall be  
26 considered an illegal practitioner and shall be subject to the penalties provided for  
27 violations of the provisions of this chapter.

- 1 (8) A suspended license is subject to expiration and may be restored as provided in this  
2 section, but restoration shall not entitle the licensee, while the license remains  
3 suspended and until it is reinstated, to engage in the licensed activity, or in any other  
4 conduct or activity in violation of the order or judgment by which the license was  
5 suspended.
- 6 (9) A license revoked on disciplinary grounds is subject to expiration and may not be  
7 renewed. If the license is subsequently reinstated, the licensee, as a condition of  
8 reinstatement shall pay a reinstatement fee, the renewal fee, and any late fee that  
9 may be applicable.
- 10 (10) Upon petition to the board, licensees may be granted inactive license status for a  
11 period of time not to exceed three (3) years. Licensees shall not practice  
12 occupational therapy or assist in the practice of occupational therapy while under  
13 inactive status. Inactive licensees may apply for an active license after paying a fee  
14 provided for by administrative regulation of the board.
- 15 (11) Each occupational therapist and occupational therapy assistant licensed under this  
16 chapter shall notify the board in writing of any change in the person's name, home  
17 or office address, or employment within thirty (30) days after the change has taken  
18 place.

19 ➔Section 118. KRS 319A.170 is amended to read as follows:

20 Fees shall be collected and determined by the board for the following:

- 21 (1) Initial license fee (nonrefundable) ***per licensure year***:
- 22 (a) Registered occupational therapist, not to exceed fifty dollars (\$50);
- 23 (b) Certified occupational therapy assistant, not to exceed thirty-five dollars  
24 (\$35); and
- 25 (c) Certification for use of deep physical agent modalities, not to exceed twenty-  
26 five dollars (\$25);
- 27 (2) Renewal of license fees, not to exceed fifty dollars (\$50) ***per licensure year***; and

1 (3) Late renewal fees, not to exceed seventy-five dollars (\$75).

2 ➔Section 119. KRS 319B.020 is amended to read as follows:

3 The Kentucky Board of Prosthetics, Orthotics, and Pedorthics is hereby established. The  
4 board shall consist of five (5) members who shall be appointed by the Governor.

5 (1) One (1) member shall be a citizen at large who is a consumer of orthotic, prosthetic,  
6 or pedorthic professional services and is not affiliated with and does not have more  
7 than five percent (5%) financial interest in any one (1) health care profession or  
8 business.

9 (2) Four (4) members shall be practicing, licensed orthotists, licensed prosthetists, or  
10 licensed pedorthists. These members may be licensed in more than one (1)  
11 discipline and at least one (1) board member shall be a licensed pedorthist.  
12 Membership of the board shall reasonably reflect representation from the  
13 geographic areas in the Commonwealth.

14 ~~[(3) Each member of the board shall serve a term of three (3) years, except that of the~~  
15 ~~initial appointments to the board, two (2) members shall be appointed for two (2)~~  
16 ~~years, two (2) members shall be appointed for three (3) years, and one (1) member~~  
17 ~~shall be appointed for one (1) year. No member of the board shall serve more than~~  
18 ~~the greater of eight (8) consecutive years or two (2) full terms. The Governor may~~  
19 ~~remove any member of the board for misconduct, incompetence, or neglect of duty.~~

20 ~~(4) The board shall meet at least annually and may meet at other times if necessary to~~  
21 ~~complete required business. A quorum of the board shall consist of a majority of~~  
22 ~~board members currently appointed. The board shall annually elect a chairperson~~  
23 ~~and vice chairperson who shall be licensed under this chapter.~~

24 ~~(5) There shall be no liability on the part of, and no action for damages against, any~~  
25 ~~current or former board member, representative, agent, or employee of the board,~~  
26 ~~when the person is acting with ordinary care, is functioning within the scope of~~  
27 ~~board duties, is acting without malice, and has the reasonable belief that the actions~~

1 taken by him or her are warranted by law.

2 ~~(6) Members of the board shall receive a per diem reimbursement of reasonable~~  
3 ~~expenses incurred as determined by the board in consultation with the Department~~  
4 ~~of Professional Licensing for each day actually engaged in the duties of the office.]~~

5 ➔Section 120. KRS 319B.040 is amended to read as follows:

6 The board may:

7 ~~(1) Employ needed personnel and contract with the Department of Professional~~  
8 ~~Licensing within the Public Protection Cabinet for the provision of administrative~~  
9 ~~services;~~

10 ~~(2)~~ Issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths,  
11 and investigate allegations of practices violating~~[ the provisions of]~~ this chapter;

12 ~~(2)~~~~(3)~~ Seek injunctive relief in the Circuit Court of the county where the violation  
13 occurred to stop the unlawful practice of prosthetics, orthotics, and pedorthics by  
14 unlicensed persons;

15 ~~(3)~~~~(4)~~ Conduct hearings pursuant to KRS Chapter 13B and keep records and minutes  
16 necessary to carry out the functions of this chapter;

17 ~~(4)~~~~(5)~~ Suspend or revoke licenses, impose supervisory or probationary conditions  
18 upon licensees, impose administrative disciplinary fines, issue written reprimands  
19 or admonishments, or impose any combination of these penalties;

20 ~~(5)~~~~(6)~~ Grant retired or inactive licensure status under conditions set forth by the  
21 board by the promulgation of administrative regulations; and

22 ~~(6)~~~~(7)~~ Issue advisory private letter rulings *at the request of*~~[to]~~ any affected licensee~~[~~  
23 ~~who makes such a request]~~ regarding any matters within the board's primary  
24 jurisdiction. Any private letter ruling shall affect only the person making the inquiry  
25 and shall have no precedential value for any other inquiry or future contested case  
26 that might come before the board. Any dispute regarding a private letter ruling  
27 may~~[, if the board chooses to do so,]~~ be resolved pursuant to KRS Chapter 13B.

1       ➔Section 121. KRS 319B.120 is amended to read as follows:

- 2       (1) Every license issued or renewed under this chapter shall be a two (2) year license  
3       and shall expire on June 30 of the last year~~[following the date of issuance]~~ unless  
4       sooner revoked and canceled.
- 5       (2) On or before June 1 of each renewal year, the board shall send notices to all  
6       affected licensees, at their last known addresses, advising them that the  
7       biennial~~[annual]~~ renewal fee is due on July 1 of that~~[each]~~ year. Every licensee  
8       shall renew his or her license on or before July 1 of each renewal year by the  
9       payment to the board of a biennial~~[an annual]~~ renewal fee which shall be a  
10      reasonable fee set by administrative regulation of the board and upon submission of  
11      a statement of compliance with the continuing education regulations of the board. If  
12      this renewal fee is not paid or the statement of compliance is not submitted on or  
13      before July 1 of the renewal year, the board shall notify the delinquent licensee by  
14      mail at his or her last known address that the fee and statement are past due and that  
15      a delinquent penalty fee is assessed, in addition to the renewal fee, and that the  
16      renewal fee and penalty shall~~[must]~~ be paid and the statement of compliance  
17      submitted on or before the next January 1. If these fees, penalties, and statement are  
18      not submitted by the next January 1,~~[it shall be the duty of]~~ the board shall~~[to]~~  
19      suspend or revoke the license for nonpayment of the~~[annual]~~ renewal and  
20      delinquent fees or for failure to submit the statement of compliance for each  
21      affected~~[the current]~~ year.
- 22      (3) All fees collected under~~[the provisions of]~~ this chapter, or the administrative  
23      regulations adopted pursuant to this chapter, shall be paid into the State Treasury,  
24      and credited to a trust and agency fund to be used in defraying the costs and  
25      expenses in the administration of this chapter, including but not limited to~~[salaries~~  
26      ~~and]~~ necessary travel expenses.

27      ➔Section 122. KRS 319C.030 is amended to read as follows:

1 (1)~~[(a)]~~ There is hereby created the Kentucky Applied Behavior Analysis Licensing  
2 Board. The board shall consist of seven (7) members appointed by the Governor.

3 (2)~~[(b)]~~ ~~[(The initial )]~~Board members shall be appointed as follows:

4 ~~1. Four (4) members shall be credentialed behavior analysts nominated by a~~  
5 ~~credentialed behavior analyst practicing in the state;~~

6 ~~2. One (1) member shall be a psychologist licensed in the state, the majority of~~  
7 ~~whose practice is related to the treatment of behavior disorders, including but~~  
8 ~~not limited to autism spectrum disorders. The psychologist member shall be~~  
9 ~~nominated by a credentialed behavior analyst practicing in the state; and~~

10 ~~3. Two (2) members shall be the parent of a child diagnosed with and treated for~~  
11 ~~a behavior disorder, including but not limited to an autism spectrum disorder,~~  
12 ~~selected from the state at large.~~

13 ~~(c) Subsequent board members shall be appointed by the Governor as follows:]~~

14 (a)~~[1.]~~ Four (4) members shall be licensed behavior analysts nominated by a  
15 licensed behavior analyst practicing in the state;

16 (b)~~[2.]~~ One (1) member shall be a psychologist licensed in the state, the  
17 majority of whose practice is related to the treatment of behavior disorders,  
18 including but not limited to autism spectrum disorders. The psychologist  
19 member shall be nominated by a licensed behavior analyst practicing in the  
20 state; and

21 (c)~~[3.]~~ Two (2) members shall be the parent of a child diagnosed with and  
22 treated for a behavior` disorder, including but not limited to an autism  
23 spectrum disorder, selected from the state at large.

24 ~~[(2) The terms of the board members shall be as follows:~~

25 ~~(a) The initial board members shall be appointed as determined by the Governor~~  
26 ~~for the following terms:~~

27 ~~1. Two (2) behavior analysts shall serve for one (1) year;~~

- 1           2.—Two (2) behavior analysts shall serve for three (3) years;
- 2           3.—A psychologist shall serve for two (2) years;
- 3           4.—One (1) parent shall serve for one (1) year; and
- 4           5.—One (1) parent shall serve for two (2) years;
- 5           (b)—The terms of subsequent board members shall be for three (3) years; and
- 6           (c)—A vacancy of any board member shall be filled in the manner of the original
- 7           appointment for the unexpired portion of the term only or as provided by KRS
- 8           12.070. The Governor, after notice and opportunity for a hearing, may remove
- 9           any member of the board for malfeasance, neglect of duty, incompetency, or
- 10          revocation or suspension of a license.
- 11         ~~(3)—Members of the board shall not receive a salary but shall be allowed the usual~~
- 12          ~~mileage, subsistence, and per diem as provided for members of state boards,~~
- 13          ~~commissions, and committees. No member shall serve more than two (2)~~
- 14          ~~consecutive terms.~~
- 15         ~~(4)—The board may request the removal of a board member by the Governor.~~
- 16         ~~(5)—The board shall annually elect a chair, vice chair, and secretary.~~
- 17         ~~(6)—There shall be no liability on the part of, and no action for damages against, any~~
- 18          ~~current or former board member, representative, agent, or employee of the board,~~
- 19          ~~when the person is functioning within the scope of board duties, acting without~~
- 20          ~~malice and with the reasonable belief that the actions taken by him or her are~~
- 21          ~~warranted by law.]~~
- 22         ➔Section 123. KRS 319C.040 is amended to read as follows:
- 23         ~~(1)[—The board shall meet at least twice annually and may meet at such other times as~~
- 24          ~~necessary to complete the business required. A majority of the members of the~~
- 25          ~~board shall constitute a quorum for the transaction of business.~~
- 26         ~~(2)] The board may[—employ an executive secretary and such clerical or other assistants~~
- 27          ~~as are necessary for the performance of its work and may] make expenditures of its~~

1 funds for any purpose which in the opinion of the board is necessary for proper  
 2 performance of its duties~~[, including compensation of the executive secretary and~~  
 3 ~~the premium on his or her bond].~~

4 ~~(2)(3) [The executive secretary or any other person so designated by the board shall~~  
 5 ~~give bond to the state in such sum as determined by the board, to be approved by the~~  
 6 ~~State Treasurer for the faithful performance of his or her duties.]~~ The executive  
 7 secretary shall receive and account for all moneys derived under this chapter and  
 8 shall pay these~~[such]~~ moneys to the State Treasurer who shall maintain them in the  
 9 manner provided for other~~[such]~~ agencies and boards of the Commonwealth.

10 ➔Section 124. KRS 319C.060 is amended to read as follows:

11 (1) The board shall~~[have the right to]~~ regulate the practice of applied behavior analysis  
 12 in the state including behavior analysts, assistant behavior analysts, and temporary  
 13 licensees, including licensure, limitations of activities, supervision, and educational  
 14 qualifications and continuing education requirements for behavior analysts, assistant  
 15 behavior analysts, temporary licensees, and supervisees. The board shall administer  
 16 and enforce~~[the provisions of]~~ this chapter and shall evaluate~~[have the~~  
 17 ~~responsibility of evaluating]~~ the qualifications of applicants for licensure. **Each**  
 18 **initial license and renewal license issued by the board shall be for a term of two**  
 19 **(2) years.**

20 (2) The board shall promulgate administrative regulations in accordance with KRS  
 21 Chapter 13A relating to the licensure and regulation of behavior analysts, assistant  
 22 behavior analysts, and temporary licensees including:

23 (a) Establishing standards for **biennial** licensure, temporary licensure, limitations  
 24 of activities, supervision, and compliance with the educational qualifications  
 25 as required by KRS 319C.080 for behavior analysts, assistant behavior  
 26 analysts, and temporary licensees;

27 (b) Establishing the number of persons a licensed behavior analyst may supervise

- 1 at one (1) time, including temporary licensees and supervisees;
- 2 (c) Adopting a code of ethical standards and standards of practice for all licensed  
3 behavior analysts, assistant behavior analysts, and temporary licensees;
- 4 (d) Establishing a measure of continued competency as a condition of license  
5 renewal and standards for suspension, revocation, or refusal to issue or renew  
6 a license of a behavior analyst, assistant behavior analyst, or temporary  
7 licensee;
- 8 (e) Governing the physical and mental examination of behavior analysts, assistant  
9 behavior analysts, and temporary licensees who may be impaired by reason of  
10 a mental, physical, or other condition that impedes their ability to practice  
11 competently. For purposes of enforcing this section, the board ~~may~~shall have  
12 ~~the power to~~ order an immediate temporary suspension in accordance with  
13 KRS 13B.125 if there is a reasonable cause to believe that a behavior analyst,  
14 assistant behavior analyst, temporary licensee, or applicant may be impaired  
15 by reason of a mental, physical, or other condition that impedes his or her  
16 ability to practice competently; and
- 17 (f) Establishing reasonable fees for the licensure and license renewal of behavior  
18 analysts, assistant behavior analysts, and temporary licensees.

19 ➔Section 125. KRS 319C.130 is amended to read as follows:

- 20 (1) All fees received by the board and collected under KRS 319C.060 and 319C.090,  
21 the administrative regulations promulgated in accordance with KRS 319C.080, and  
22 all penalties assessed in accordance with KRS 319C.110 or 319C.990 shall be  
23 deposited in the State Treasury and credited to a trust and agency fund to be used by  
24 the board in defraying the costs and expenses of the board's administration of this  
25 chapter. Notwithstanding KRS 45.229, no part of this fund shall revert to the  
26 general fund of the Commonwealth.
- 27 (2) The board may ~~employ personnel and may~~ purchase any~~such~~ materials and

1 supplies as it may deem necessary for the proper discharge of its duties.

2 ➔Section 126. KRS 320.230 is amended to read as follows:

- 3 (1) The Kentucky Board of Optometric Examiners shall consist of five (5) members  
4 appointed by the Governor. **Subject to Section 16 of this Act,** four (4) members  
5 shall be Kentucky licensed practicing optometrists **who are licensed at the fullest**  
6 **scope of practice in Kentucky and** whose licenses are in good standing. **These four**  
7 **(4) members shall be** ~~and who are~~ appointed by the Governor from a list  
8 containing three (3) names for each appointment recommended by the Kentucky  
9 Optometric Association. One (1) member shall be a citizen at large who is not  
10 associated with or financially interested in the practice or business regulated~~]. The~~  
11 ~~members shall serve for a term of four (4) years and until their successors are~~  
12 ~~appointed and qualified. They shall receive per diem compensation to be~~  
13 ~~determined by administrative regulations promulgated by the board, not to exceed~~  
14 ~~one hundred twenty five dollars (\$125) per day for attending board meetings.~~  
15 ~~Members shall be reimbursed for actual expenses incurred in the performance of~~  
16 ~~their duties under this chapter].~~
- 17 (2) Each optometrist member shall be a Kentucky licensed practicing optometrist in  
18 good standing for not less than five (5) years immediately preceding his or her  
19 appointment to the board. The member shall not be in any way connected with or  
20 interested in any optometric school, college, or institution of learning or optometric  
21 supply business.
- 22 ~~[(3) Any vacancy occurring on the board as the result of a member not completing the~~  
23 ~~term for which he or she was appointed shall be filled, for the unexpired term, in the~~  
24 ~~same manner as is provided in subsection (1) of this section for the appointment of~~  
25 ~~members.~~
- 26 ~~(4) A majority of the members of the board shall constitute a quorum for the transaction~~  
27 ~~of business.]~~

1       ➔Section 127. KRS 320.240 is amended to read as follows:

2       (1) ~~[The board shall meet at least once each year, at which time it shall choose from~~  
3       ~~among its members the president, vice president, and secretary treasurer. In~~  
4       ~~addition, the board, upon call of its officers, may hold meetings at any time as it~~  
5       ~~deems necessary.]~~A full record of the board's proceedings shall be kept in the office  
6       of the board and shall be open to inspection at all reasonable times.

7       (2) The board shall keep a register containing the name, address, and license number of  
8       every person licensed to practice optometry in this state.

9       (3)~~[The Attorney General shall render to the board legal services as it may require in~~  
10       ~~carrying out and enforcing the provisions of this chapter.~~

11       (4)~~]~~ Subject to and consistent with~~[the provisions of]~~ this chapter, the board shall  
12       promulgate reasonable administrative regulations and ***conduct any activity***~~[do any~~  
13       ~~and all things that it may deem necessary or proper]~~ for the effective enforcement of  
14       this chapter and for the full and efficient performance of its duties ***under this***  
15       ***chapter***~~[hereunder]~~ and the reasonable regulation of the profession of optometry  
16       and the practice ***of optometry***~~[thereof]~~ by licensed optometrists. The administrative  
17       regulations shall include the classification and licensure of optometrists by  
18       examination or credentials, retirement of a license, and reinstatement of a license.

19       (4)~~(5)~~ An optometrist shall not administer drugs, prescribe drugs, or perform laser or  
20       nonlaser surgery procedures until he or she is licensed by the board. Any  
21       therapeutically licensed optometrist authorized to practice under this section shall  
22       meet the educational and competence criteria set forth by the board in order to  
23       perform expanded therapeutic procedures. Evidence of proof of continuing  
24       competency shall be determined by the board.

25       (5)~~(6)~~ Nothing in this chapter shall be construed as allowing any agency, board, or  
26       other entity of this state other than the Kentucky Board of Optometric Examiners to  
27       determine what constitutes the practice of optometry.

- 1 ~~(6)~~~~(7)~~ The board shall have the sole authority to determine what constitutes the  
2 practice of optometry and sole jurisdiction to exercise any other powers and duties  
3 under this chapter.
- 4 (7) The board may issue advisory opinions and declaratory rulings related to this  
5 chapter and the administrative regulations promulgated under this chapter.
- 6 (8) The board shall have:
- 7 (a) A common seal;
- 8 (b) The right to determine what acts on the part of any person licensed as an  
9 optometrist in this state shall constitute unprofessional conduct under this  
10 chapter; and
- 11 (c) Other powers and duties as authorized by this chapter.
- 12 (9) The board may administer oaths and require the attendance of witnesses, the  
13 production of books, records, and papers pertinent to any matters coming before the  
14 board by the issuance of process that shall be served and returned in the same  
15 manner as in civil actions and for the disobedience of which the board shall have  
16 the power to invoke the same rights as are provided for disobedience of a subpoena  
17 or subpoena duces tecum in a civil action.
- 18 (10) The board may assist in the prosecution of any violation of this chapter and in the  
19 enforcement of any of the provisions of this chapter.
- 20 (11) The board shall report its proceedings to the Governor and the Legislative  
21 Research Commission on or about September~~January~~ 1 of each year, including an  
22 accounting of all moneys received and disbursed.
- 23 (12) The board may permit persons engaging in the practice of optometry under the  
24 provisions of this chapter to administer diagnostic pharmaceutical agents limited to  
25 miotics for emergency use only, mydriatics, cycloplegics, and anesthetics applied  
26 topically only, but excluding any drug classified as a controlled substance pursuant  
27 to KRS Chapter 218A. These pharmaceutical agents shall be applied in diagnostic

1 procedures only as part of an eye examination. The application of the diagnostic  
2 pharmaceutical agents shall be limited to those persons who have sufficient  
3 education and professional competence as determined by the board and who have  
4 earned transcript credits of at least six (6) semester hours in a course or courses in  
5 general and ocular pharmacology, with particular emphasis on diagnostic  
6 pharmaceutical agents applied topically to the eye, from a college or university  
7 accredited by a regional or professional accreditation organization which is  
8 recognized or approved by the council on postsecondary accreditation or by the  
9 United States Department of Education.

10 (13) The board may authorize only those persons who have qualified for use of  
11 diagnostic pharmaceutical agents as set out in subsection (12) of this section to  
12 utilize and prescribe therapeutic pharmaceutical agents in the examination or  
13 treatment of any condition of the eye or its appendages. Any therapeutically  
14 certified optometrist licensed under the provisions of this subsection shall be  
15 authorized to prescribe oral medications, except any controlled substances classified  
16 in Schedule I and any controlled substances classified in Schedule II other than  
17 hydrocodone combination products as defined in KRS 218A.010, for any condition  
18 which an optometrist is authorized to treat under the provisions of this chapter. The  
19 use of injections for other than treatment of the human eye and its appendages shall  
20 be limited to the administration of benadryl, epinephrine, or equivalent medication  
21 to counteract anaphylaxis or anaphylactic reaction. In a public health emergency, the  
22 commissioner of health may authorize therapeutically licensed optometrists to  
23 administer inoculation for systemic health reasons. The authority to prescribe a  
24 Schedule II hydrocodone combination product as defined in KRS 218A.010 and a  
25 Schedule III, IV, or V controlled substance shall be limited to prescriptions for a  
26 quantity sufficient to provide treatment for up to seventy-two (72) hours. No refills  
27 of prescriptions for controlled substances shall be allowed. The utilization or

1       prescribing of therapeutic pharmaceutical agents shall be limited to those persons  
2       who have sufficient education and professional competence as determined by the  
3       board and who have earned transcript credits of at least six (6) semester hours in a  
4       course or courses in general and ocular pathology and therapy, with particular  
5       emphasis on utilization of therapeutic pharmaceutical agents from a college or  
6       university accredited by a regional or professional accreditation organization which  
7       is recognized or approved by the council on postsecondary accreditation or by the  
8       United States Department of Education. These six (6) semester hours are in addition  
9       to the six (6) semester hours required by subsection (12) of this section, making a  
10      total of twelve (12) semester hours.

11   (14) Any optometrist authorized by the board to utilize diagnostic pharmaceutical agents  
12      ~~may~~~~[shall be permitted to]~~ purchase for use in the practice of optometry diagnostic  
13      pharmaceutical agents limited to miotics for emergency use only, mydriatics,  
14      cycloplegics, and anesthetics. Any optometrist authorized by the board to utilize  
15      therapeutic pharmaceutical agents ~~may~~~~[shall be permitted to]~~ prescribe in the  
16      practice of optometry therapeutic pharmaceutical agents. Optometrists~~[—se]~~  
17      authorized by the board to purchase pharmaceutical agents shall obtain them from  
18      licensed drug suppliers or pharmacists on written orders placed in the same or  
19      similar manner as any physician or other practitioner authorized by KRS Chapter  
20      217. Purchases shall be limited to those pharmaceutical agents specified in this  
21      subsection and in subsection (12) of this section, based upon the authority conferred  
22      upon the optometrist by the board consistent with the educational qualifications of  
23      the optometrist as set out in this chapter~~[herein]~~.

24      ➔Section 128. KRS 320.280 is amended to read as follows:

25   (1) All optometrists desiring to continue practice shall biennially~~[annually]~~, prior to  
26      March 1 of the second licensure year, secure from the secretary-treasurer of the  
27      board a renewal certificate upon the payment of a fee which shall be established by

1 administrative regulation promulgated by the board. Not later than **January**  
2 **25**~~February 15~~ of each **renewal** year, the board shall notify by mail all  
3 optometrists of the renewal date and fee. Application for a renewal shall be upon a  
4 form prescribed by the board and the optometrist shall furnish the information  
5 required by the form.

6 (2) As a prerequisite for license renewal, all optometrists~~[now or hereafter]~~ licensed in  
7 the Commonwealth of Kentucky~~[are and]~~ shall be required to take annual courses  
8 of study in subjects relating to the practice of optometry to the end that the  
9 utilization and application of new techniques, scientific and clinical advances, and  
10 the achievement of research will **ensure**~~[assure]~~ expansive and comprehensive care  
11 to the public. The length and content of study shall be prescribed by the board but  
12 shall not exceed eight (8) hours in any calendar year, with the exception of those  
13 optometrists who are authorized to prescribe therapeutic agents who shall be  
14 required to have additional credit hours of continuing education in ocular therapy  
15 and pharmacology, the amount of required credit hours to be determined by the  
16 board, but not to exceed an additional seventeen (17) credit hours, for a total not to  
17 exceed twenty-five (25) credit hours per year. Attendance shall be at a course or by  
18 a sponsor approved by the board. **The board may determine by promulgation of an**  
19 **administrative regulation the number of credit hours that shall be received in-**  
20 **person, and this determination is not subject to the in-person requirements**  
21 **established in Section 18 of this Act.** Attendance at any course or courses of study  
22 is to be certified to the board upon a form provided by the board and shall be  
23 submitted by each licensed optometrist at the time **the optometrist**~~[he]~~ makes  
24 application to the board for the renewal of **a**~~[his]~~ license and payment of **the**~~[his]~~  
25 renewal fee. The board may waive the continuing education requirement in cases of  
26 illness or undue hardship.

27 (3) Failure of any optometrist to secure his **or her** renewal certificate within sixty (60)

1 days after March 1 *of the renewal year*, shall constitute sufficient cause for the  
2 board to revoke *the optometrist's*~~[his]~~ license.

3 ➔Section 129. KRS 320.360 is amended to read as follows:

4 All fees imposed and collected under~~[the provisions of]~~ this chapter shall be paid to the  
5 board for the use of the board, and shall be deposited in the State Treasury to the credit of  
6 an agency fund for the use of the board. The board may make such expenditures from the  
7 fund as may, in the opinion of the board, serve to further the purposes of this chapter~~;~~  
8 ~~including payment for professional services].~~

9 ➔Section 130. KRS 322.160 is amended to read as follows:

10 (1) Licenses for individuals and permits for business entities shall be valid for not more  
11 than two (2) years from the date of issuance, unless renewed.

12 (2) The *administrative coordinator*~~[executive director]~~ shall notify every licensee and  
13 permit holder at least one (1) month in advance of the pending expiration date.

14 (a) All license renewals shall be completed on or before June 30 of the year of  
15 expiration.

16 (b) All permit renewals shall be completed on or before December 31 of the year  
17 of expiration.

18 (c) Each licensee or permit holder is responsible for notifying the board of any  
19 address change.

20 (d) The responsibility for the timely renewal of a license or permit rests with the  
21 licensee or permit holder.

22 (3) The failure to renew shall not deprive a licensee or permit holder of the right of  
23 renewal, but the fee to be paid for the renewal shall be increased ten percent (10%)  
24 for each month or fraction of a month that payment of renewal is delayed. Any  
25 licensee or permit holder who fails to renew within one (1) year after expiration  
26 shall furnish the board with:

27 (a) Satisfactory evidence of qualification of continued practice. However, the

1 board may require reexamination; and

2 (b) Evidence of completion of continuing education hours as required by KRS  
3 322.290.

4 (4) No licensee shall be required to pay renewal fees to the board during the time the  
5 licensee is on active duty in the Armed Forces of the United States.

6 (a) Any licensee who has previously paid any renewal fee covering a period of  
7 time spent on active duty shall, upon filing with the board a copy of his or her  
8 discharge, be granted a license renewal without the payment of any fee.

9 (b) The free renewal shall be for as many license years as the licensee was on  
10 active duty and which were covered in whole or in part by the previous  
11 payment of a renewal fee.

12 (c) The continuing education requirement under KRS 322.290 shall be waived for  
13 those years the licensee was on active duty.

14 ➔Section 131. KRS 322.190 is amended to read as follows:

15 Any person or organization, including the board upon its own volition, may file with the  
16 administrative coordinator~~[executive director]~~ of the board a written complaint alleging  
17 violation of~~[any provision of]~~ this chapter. The administrative coordinator~~[executive~~  
18 ~~director]~~ shall cause the complaint to be investigated.

19 (1) If the investigation reveals that the alleged violation did occur but was not of a  
20 serious nature, the board may issue a written admonishment to the licensee. A copy  
21 of the admonishment shall be placed in the permanent file of the licensee. The  
22 licensee shall have the right to file a response to the admonishment within thirty  
23 (30) days of its receipt and to have the response placed in the permanent licensure  
24 file. The licensee may alternatively, within thirty (30) days of the receipt, file a  
25 request for hearing with the board. Upon receipt of this request, the board shall set  
26 aside the written admonishment and set the matter for hearing in accordance with  
27 the provisions of KRS Chapter 13B.

- 1 (2) If the investigation reveals evidence supporting the complaint, the administrative  
2 coordinator~~[executive director]~~ shall set the matter for hearing in accordance with~~[~~  
3 ~~the provisions of]~~ KRS Chapter 13B before refusing to renew, suspending,  
4 revoking, reprimanding, imposing probation or an administrative fine, or any  
5 combination of actions regarding any license under~~[the provisions of]~~ this chapter.
- 6 (a) At any time during the investigation or hearing process, the board may accept  
7 a written assurance of voluntary compliance from the licensee which  
8 effectively deals with the complaint.
- 9 (b) When the board issues a written reprimand to the licensee, a copy of the  
10 reprimand shall be placed in the permanent file of the licensee. The licensee  
11 shall have the right to submit a response within thirty (30) days of its receipt  
12 and to have that response filed in the permanent file.
- 13 (3) After denying an application under~~[the provisions of]~~ this chapter, the board may  
14 grant a hearing to the denied applicant in accordance with~~[the provisions of]~~ KRS  
15 Chapter 13B.
- 16 (4) The board may reconsider, modify, or reverse its decision on any disciplinary  
17 action.
- 18 (5) Any party aggrieved by a disciplinary action of the board may bring an action in  
19 Franklin Circuit Court in accordance with~~[the provisions of]~~ KRS Chapter 13B.
- 20 ➔Section 132. KRS 322.230 is amended to read as follows:
- 21 (1) The State Board of Licensure for Professional Engineers and Land Surveyors shall  
22 consist of nine (9) members appointed by the Governor and two (2) ex officio  
23 members, each with full voting rights. The ex officio members shall be the dean of  
24 the College of Engineering of the University of Kentucky and the dean of the J.B.  
25 Speed School of Engineering of the University of Louisville.
- 26 ~~(2) [The term of each member of the board shall be four (4) years. Each member shall~~  
27 ~~hold office until the expiration of the term or until a successor has been appointed~~

1 ~~and has qualified.~~

2 ~~(3)~~ Before beginning a term of office, every member shall file with the Secretary of  
3 State a written oath for the faithful discharge of official duties.

4 ~~[(4) No member of the board shall serve as an employee of the board.]~~

5 ➔Section 133. KRS 322.240 is amended to read as follows:

6 (1) Each appointed member of the board shall:

7 (a) Be a citizen of the United States;

8 (b) Have been a resident of this state for at least five (5) years; and

9 (c) Be a resident of this state at the time of appointment and for the term of the  
10 appointment.

11 (2) One (1) member of the board shall be a citizen at large who is not associated with or  
12 financially interested in the practice of engineering or land surveying.

13 (3) Eight (8) members of the board shall be a professional engineer or a professional  
14 land surveyor engaged in the respective practice for at least twelve (12) years and  
15 shall have been in responsible charge of important engineering or land surveying  
16 work for at least five (5) years.

17 (a) At least five (5) members of the board shall be professional engineers licensed  
18 in Kentucky for at least four (4) years prior to the date of their appointment;

19 (b) At least three (3) members of the board shall be professional land surveyors  
20 licensed in Kentucky for at least four (4) years prior to the date of their  
21 appointment; and

22 (c) The eight (8) members shall remain professional engineers or professional  
23 land surveyors licensed in Kentucky during the term of their appointments~~[-If~~  
24 ~~a member's license is surrendered, suspended, revoked, or placed in inactive~~  
25 ~~or retired status, that member shall automatically be removed from the board~~  
26 ~~and the vacancy filled under KRS 322.250(5)].~~

27 ➔Section 134. KRS 322.250 is amended to read as follows:

1 (1) **Subject to Section 16 of this Act:**~~Except as provided for in subsection (5) of this~~  
2 ~~section,~~

3 **(a)** Each land surveyor appointment to the board shall be made from a list of not  
4 less than three (3) nominees to be submitted to the Governor jointly by the  
5 Kentucky Society of Professional Engineers and the Kentucky Association of  
6 Professional Surveyors, with input from other professional societies; **and**~~;~~

7 **(b)** All other appointments to the board shall be made from a list of not less than  
8 three (3) nominees to be submitted to the Governor by the Kentucky Society  
9 of Professional Engineers with input from other professional societies.

10 (2) The nominations shall be submitted to the Governor at least sixty (60) days prior to  
11 the appointment date.

12 (3) The term of office for all full-term appointments shall begin January 1.

13 (4) Board members shall be allowed to succeed themselves but shall be limited to not  
14 more than two (2) consecutive terms. A former member may be reappointed to the  
15 board if the member has not served in the preceding four (4) years.

16 ~~(5) If a vacancy on the board occurs for any reason resulting in an unexpired term, if~~  
17 ~~not filled within three (3) months by official action of the Governor, the board may~~  
18 ~~appoint a provisional member to serve in the interim until the Governor acts.~~

19 ~~(6)~~ Every unexpired term shall be filled only for the remainder of that term.

20 ➔Section 135. KRS 322.280 is amended to read as follows:

21 ~~{(1)}~~ The board shall hold at least four (4) regular meetings each year. Special meetings  
22 shall be held if the bylaws provide. Notice of all meetings shall be given in the manner  
23 provided by the bylaws.

24 ~~{(2) Six (6) members shall constitute a quorum.}~~

25 ➔Section 136. KRS 322.290 is amended to read as follows:

26 The board shall:

27 (1) Administer this chapter;

- 1 (2) Adopt an official seal;
- 2 ~~(3) Provide suitable office quarters at its own expense;~~
- 3 ~~(4)~~ Adopt and amend all bylaws and rules of procedure, and promulgate administrative  
4 regulations, consistent with the Constitution and laws of the state and reasonably  
5 necessary for the proper performance of its duties and the regulation and fair  
6 conduct of the proceedings before it;
- 7 ~~[(5) Appoint an executive director and assistant executive directors and fix their  
8 compensation;~~
- 9 ~~(6) Employ any clerk or other assistants necessary for the proper performance of its  
10 work;~~
- 11 ~~(7) Appoint a general counsel and any assistant general counsel as it deems necessary  
12 and fix their compensation;~~
- 13 ~~(8) Appoint investigatory personnel, as it deems necessary, and fix their compensation;]~~
- 14 ~~(4)~~(9) Appoint committees of licensees, as it deems necessary, to review issues  
15 before the board and make recommendations to the board;
- 16 ~~(5)~~(10) Make expenditures, as it deems necessary, for any purpose that it considers  
17 reasonably necessary for the proper performance of its duties, including paying the  
18 expenses of the board's delegates to national conventions of and membership dues  
19 to the National Council of Examiners for Engineering and Surveying or other  
20 affiliated national boards or societies;
- 21 ~~(6)~~(11) Adopt and promulgate by administrative regulation a code of professional  
22 practice and conduct, which shall be based upon generally recognized principles of  
23 professional ethical conduct and binding upon persons licensed under this chapter.  
24 A code of professional practice and conduct shall be made known to all licensees  
25 and applicants and shall include but not be limited to the following objectives:
- 26 (a) The protection of the public health, safety, and welfare;
- 27 (b) The maintenance of standards of objectivity, truthfulness, and reliability in

- 1 public statements;
- 2 (c) The avoidance of conflicts of interest;
- 3 (d) The prohibition of solicitation or acceptance of engineering or land surveying  
4 work on any basis other than qualifications for the work offered;
- 5 (e) The prohibition of association with any person engaging in illegal or dishonest  
6 activities; and
- 7 (f) The limitation of professional service to the area of competence of the  
8 licensee;
- 9 ~~(7)~~~~[(12)]~~ Adopt appropriate standards of practice;
- 10 ~~(8)~~~~[(13)]~~ Promulgate administrative regulations in accordance with KRS Chapter 13A  
11 to establish rules for the use of stamps, seals, and signatures in electronic  
12 transactions;
- 13 ~~(9)~~~~[(14)]~~ Bring, in its name, injunctive proceedings in the Franklin Circuit Court to  
14 enjoin any person, business entity, or combination thereof in violation of KRS  
15 322.020 or KRS 322.060;
- 16 ~~(10)~~~~[(15)]~~ Adopt a program for continuing education for its individual land surveyor  
17 licensees. No individual land surveyor licensee shall be permitted to renew his or  
18 her license unless the minimum annual continuing education requirements are met,  
19 in addition to any other requirement for renewal. The program for continuing  
20 education shall not exceed a total of eight (8) credit clock hours per year and shall  
21 not include testing or examination of the licensee in any manner; and
- 22 ~~(11)~~~~[(16)]~~ Adopt a program for continuing education for its individual engineer  
23 licensees.
- 24 (a) The program for continuing education shall not exceed a total of fifteen (15)  
25 credit clock hours per year and shall not include testing or examination of the  
26 licensee in any manner.
- 27 (b) No individual engineer licensee shall be permitted to renew his or her

1           ***biennial*** license unless the minimum annual continuing education  
2 requirements are met, except as provided in paragraph (c) of this subsection,  
3 in addition to any other requirement for renewal.

4       (c) Any person licensed under this chapter as a professional engineer prior to  
5 January 1, 1972, who has maintained his or her license in good standing since  
6 becoming licensed shall not be subject to any continuing education  
7 requirements.

8       ➔Section 137. KRS 322.320 is amended to read as follows:

9       (1) In carrying this chapter into effect, the board, under the hand of its chairman or  
10 ***administrative coordinator***~~[executive director]~~ and under its seal, may, during the  
11 investigation or an administrative hearing procedure, in cases involving the  
12 revocation of a license or practicing or offering to practice without a license,  
13 subpoena witnesses and compel their attendance and require the production of  
14 books, papers, and documents. Any member may administer oaths to witnesses  
15 appearing before the board.

16       (2) If any person refuses to obey any subpoena~~[so issued]~~ or refuses to testify or  
17 produce any books, papers, or documents, the board may present its petition to any  
18 authority having jurisdiction, setting forth the facts. That authority shall, in a proper  
19 case, issue its subpoena to the person, requiring ***the person***~~[him]~~ to attend and  
20 testify or produce books, papers, and documents considered necessary and pertinent  
21 by the board.

22 ~~[(3) Board members and agents and staff of the board shall be held free of any personal  
23 liability as a result of board actions.]~~

24       ➔Section 138. KRS 322.340 is amended to read as follows:

25       (1) Each professional engineer or professional land surveyor shall, upon licensure,  
26 obtain a seal or stamp of the design authorized by the board, bearing his or her  
27 name, license number, and the words "Licensed Professional Engineer" or

1 "Licensed Professional Land Surveyor."

2 (2) Use of the stamp, seal, or signature in an electronic transaction shall be conducted  
3 in accordance with administrative regulations promulgated by the board under  
4 subsection (8) of Section 136 of this Act~~[KRS 322.290(13)]~~.

5 (3) The seal or stamp, signature, and the date shall be used to provide certification for  
6 all reports, specifications, drawings, and plans, if presented to a client or any public  
7 or governmental agency. Reproduction of original signatures shall be adequate to  
8 meet the requirements of this subsection.

9 (4) The seal or stamp and signature shall be used by licensees only if the work being  
10 stamped was under the licensee's complete direction and control.

11 (5) Every survey plat and physical description prepared by a professional land surveyor  
12 and submitted to a client or any public or governmental agency shall display the  
13 certification by the professional land surveyor under whose supervision the plat or  
14 description was prepared.

15 (6) It shall be unlawful for a licensee to affix, or permit to be affixed, his or her seal,  
16 stamp, or signature to any document described in subsection (3) or (5) of this  
17 section:

18 (a) After the expiration of a license; or

19 (b) For the purpose of aiding or abetting any other person to evade or attempt to  
20 evade any provisions of this chapter.

21 (7) A professional engineer shall check and have complete dominion and control of the  
22 design and engineering work of any engineer not licensed to practice in this state.  
23 Complete dominion and control shall include possession of the sealed and signed  
24 reproducible construction documents with all supporting design calculations,  
25 indicating all changes in the design.

26 ➔Section 139. KRS 322A.020 is amended to read as follows:

27 (1) There is created and established the Board of Registration for Professional

1 Geologists, which shall administer the provisions of this chapter. All board  
2 members shall be residents of Kentucky and be appointed by the Governor. The  
3 board shall consist of five (5) members, including four (4) registered geologists, one  
4 (1) of whom shall be the state geologist or his or her designee, and one (1) member  
5 representing the public at large. ~~[Except for]~~ The state geologist **shall be an ex**  
6 **officio voting member of the board** ~~[or his or her designee, the term of the members~~  
7 ~~of the board shall always be for four (4) years and until their successors are~~  
8 ~~appointed and qualified].~~

9 ~~(2) [Board members may succeed themselves. The Governor may remove any member~~  
10 ~~from the board for misconduct, incompetence, neglect of duty, or for any good and~~  
11 ~~sufficient cause, in the manner prescribed by law. Vacancies in the membership of~~  
12 ~~the board shall be filled for the unexpired term by appointment by the Governor.~~

13 ~~(3) Three (3) members of the board shall constitute a quorum.~~

14 ~~(4) There shall be no liability on the part of and no cause of action of any nature shall~~  
15 ~~arise against the board, or its agents, for any action taken in the performance of the~~  
16 ~~board's powers and duties under this chapter.~~

17 ~~(5) The board shall elect from its members a chair and secretary each year.~~

18 ~~(6)~~ At least thirty (30) days prior to the appointment date each year, the Governor shall  
19 receive a list of not more than three (3) nominations for board members from a joint  
20 committee of the Geological Society of Kentucky and the Kentucky Section of the  
21 American Institute of Professional Geologists. **Subject to Section 16 of this Act**, the  
22 appointed members on the board shall be selected from the list submitted to the  
23 Governor by the joint committee.

24 ~~[(7) While discharging duties associated with the board, including meetings of the board~~  
25 ~~and its committees and necessary travel, each member shall receive compensation~~  
26 ~~as established by administrative regulation of the board promulgated in accordance~~  
27 ~~with KRS Chapter 13A. Members of the board shall be reimbursed for costs for~~

1 ~~actual travel and for incidental, clerical, and all other actual and necessary expenses~~  
2 ~~incurred in the discharge of official duties associated with the board.]~~

3 ➔Section 140. KRS 322A.030 is amended to read as follows:

- 4 (1) The board shall meet at least twice~~once~~ each calendar year and at other times  
5 deemed necessary by the chair or a quorum of the board upon being given ten (10)  
6 days' notice.
- 7 (2) A roster showing the names and places of business of all registered professional  
8 geologists shall be published by the secretary of the board each year. Copies of this  
9 roster shall be made available to each person registered, placed on file with the  
10 secretary of the board, and furnished to the public upon request.
- 11 (3) The board shall pass upon the qualifications of applicants for registration.
- 12 (4) The board shall require from applicants for registration evidence of their  
13 qualifications and shall judge each applicant on evidence of the applicant's  
14 professional competency and integrity in accordance with administrative regulations  
15 promulgated by the board.
- 16 (5) The board may promulgate administrative regulations consistent with~~the~~  
17 ~~provisions of~~ this chapter that are appropriate and necessary to the conduct of its  
18 responsibilities and duties.
- 19 (6) The board shall promulgate by administrative regulation a code of professional  
20 conduct, a copy of which shall be distributed to every registered geologist. Mailing  
21 of a copy of this code to persons listed in the roster maintained under subsection (2)  
22 of this section shall constitute due notice to all registrants. The board may revise  
23 and amend the code of ethics~~from time to time~~, subject to the consent of the  
24 majority of the registrants, and shall notify each registrant in writing of any  
25 revisions or amendments.
- 26 (7) The board may take appropriate disciplinary action as provided for in KRS  
27 322A.100, but only after written notice has been given the person concerned and the

1 person is afforded an opportunity for a hearing to be conducted in accordance with  
2 KRS Chapter 13B.

3 (8) Any person or organization may prefer charges of fraud, deceit, gross negligence, or  
4 misconduct against any registrant. The charges shall be in writing, shall be sworn to  
5 by the person or officer of the organization making them, and shall then be filed  
6 with the board.

7 (9) Any Kentucky resident who feels aggrieved by any final order of the board may  
8 appeal to the Circuit Court of the county where the person resides or where the  
9 person has his or her principal office in accordance with KRS Chapter 13B. Any  
10 out-of-state resident who feels aggrieved by any final order of the board may appeal  
11 to the Franklin Circuit Court in accordance with KRS Chapter 13B.

12 ~~(10) The Attorney General or any assistants designated by him or her shall act as legal~~  
13 ~~advisers to the board and render legal assistance as the board may from time to time~~  
14 ~~require. The board may employ private counsel at its discretion. The cost of private~~  
15 ~~counsel shall be paid exclusively from funds of the board.~~

16 ~~(11) The board shall establish and maintain necessary offices within this~~  
17 ~~Commonwealth, employ personnel as necessary, and prescribe their duties and~~  
18 ~~compensation.~~

19 (11)~~(12)~~ For the purposes of enforcing the provisions of this chapter, investigating  
20 complaints or suspected violations of this chapter, and notifying proper law  
21 enforcement authorities, the board may:

- 22 (a) Administer oaths;
- 23 (b) Receive evidence;
- 24 (c) Interview persons;
- 25 (d) Issue subpoenas; and
- 26 (e) Require production of books, papers, documents, or other evidence.

27 ➔Section 141. KRS 322A.050 is amended to read as follows:

1 An applicant for registration shall pay a nonrefundable fee established by administrative  
 2 regulation of the board. If the board declines to issue registration to any applicant, the  
 3 initial fee paid by the applicant shall be retained as an application fee. All fees paid to and  
 4 collected by the board under~~the provisions of~~ this section and KRS 322A.070 shall be  
 5 deposited in a revolving trust and agency account under the jurisdiction of the board. The  
 6 officers~~or employees~~ of the board who shall be designated to collect and disburse funds  
 7 represented by these fees shall be required to execute a bond, with corporate surety, in an  
 8 amount to be determined by the board.

9 ➔Section 142. KRS 323.080 is amended to read as follows:

10 (1) The board shall promulgate administrative regulations that establish fees for the  
 11 following services. These fees shall not exceed the following:

- 12 (a) For processing the application for the examination .....\$200
- 13 (b) For a license certificate upon satisfactorily passing the examination .....\$50
- 14 (c) For the restoration of a voluntarily surrendered license .....\$300
- 15 (d) For a license to an architect satisfactorily licensed in  
 16 another state or country .....\$250
- 17 (e) For reinstatement of a license revoked for failure to pay the  
 18 biennial~~annual~~ renewal fee or suspended by the board, in addition  
 19 to application and arrears as determined by the board .....\$300
- 20 (f) Renewal certificate, per licensure year .....\$250

21 (2) The proper fee as prescribed above shall be paid to the board, and shall not be  
 22 refunded in whole or in part.

23 (3) The cost of taking the examination shall be borne by the applicant.

24 ➔Section 143. KRS 323.110 is amended to read as follows:

25 (1) (a) All architects desiring to continue practice shall secure from the board a  
 26 renewal certificate at the expiration of their licenses, upon the payment of the  
 27 prescribed fee. The board shall promulgate administrative regulations

1 establishing the terms of the licenses, and may renew licenses on a  
2 biennial~~[an annual or biannual]~~ basis. The board may stagger the terms of the  
3 licenses, if needed, and may double the per year~~[annual]~~ renewal fee as  
4 established pursuant to KRS 323.080 for any license issued for a two (2) year  
5 period. Not later than June 1~~[15]~~ of each renewal year the board shall notify  
6 by mail all architects of the renewal date and fee. Application for a renewal  
7 shall be upon a form prescribed by the board and the architect shall furnish the  
8 information required by the form.

9 (b) Failure of any architect to secure his or her renewal certificate within sixty  
10 (60) days after July 1 of the architect's renewal year shall result in the  
11 automatic revocation of his or her license if the architect fails to submit a  
12 properly completed renewal application to the board with the corresponding  
13 renewal fee and proof of having completed the continuing education  
14 requirement.

15 (c) The board may reissue a license that has been revoked for failure to pay the  
16 renewal fee or meet continuing education requirements established by the  
17 board, upon proper application to the board and the payment of all delinquent  
18 fees.

19 (2) A licensed architect may voluntarily surrender his or her license to the board and  
20 thereby be relieved of paying the biennial~~[annual]~~ renewal fee. After surrendering  
21 his or her license, that person shall not be known as a licensed architect and shall  
22 desist from the practice of architecture. Within five (5) years from the time of  
23 surrender of the license, the person may again qualify for a license without  
24 examination by the payment of the required fee and current renewal fee. If five (5)  
25 years~~[thereafter]~~ have elapsed since the surrender of the license, he or she shall  
26 return to the status of a new applicant.

27 ➔Section 144. KRS 323.210 is amended to read as follows:

- 1 (1) The board shall:
- 2 (a) Adopt and provide itself with a seal with a band inscribed, "Kentucky Board  
3 of Architects" with the coat of arms of the state in the center;
- 4 (b) Promulgate all necessary administrative regulations concerning the contents  
5 and conduct of examinations, the method and time for filing applications for  
6 examinations, and the time within which an applicant shall be examined after  
7 his or her application has been filed;
- 8 (c) Keep a complete record of its proceedings and an accurate list of all  
9 applications made, licenses issued, and licenses revoked; and
- 10 (d) Make a general report including finances to the Governor and the Legislative  
11 Research Commission annually.
- 12 (2) The board may promulgate all reasonable administrative regulations not  
13 inconsistent with this chapter that are necessary to carry into effect the purposes of  
14 this chapter.
- 15 (3) (a) The board may promulgate appropriate administrative regulations requiring  
16 mandatory continuing education for architects licensed to practice within the  
17 Commonwealth as a condition for obtaining their ~~annual~~ renewal  
18 certificates. The board shall establish the minimal requirement for obtaining  
19 and reporting continuing education, the means by which any requirements  
20 shall be enforced, and the criteria for the accreditation of course sponsors,  
21 programs, and other activities.
- 22 (b) The board may promulgate appropriate administrative regulations to create the  
23 licensing category of architect emeritus and may promulgate continuing  
24 education requirements and renewal fees for the architect emeritus license.
- 25 (4) The board may administer oaths, receive evidence, interview persons, issue  
26 subpoenas, and require the production of books, papers, documents, or other  
27 evidence for the purpose of enforcing this chapter and investigating complaints or

1 suspected violations of this chapter.

2 (5) The board may promulgate administrative regulations in accordance with KRS  
3 Chapter 13A to establish rules for the use of seals and signatures in electronic  
4 transactions.

5 ~~(6)(a) The board may employ staff, obtain office space, and acquire furniture,  
6 supplies, and services reasonably necessary to effectuate the purposes of this  
7 chapter.~~

8 ~~(b) The board shall outline the duties of all personnel and fix their compensation  
9 in accordance with KRS Chapter 18A.~~

10 ~~(c) The board may retain its own legal counsel for advice and assistance, in  
11 addition to such advice and assistance provided by the Attorney General.~~

12 ~~(7)~~ The board may assess reasonable administrative fees for copies of documents,  
13 mailing lists, duplicate forms, and other media consistent with KRS 61.870 to  
14 61.884.

15 ➔Section 145. KRS 323.406 is amended to read as follows:

16 The board may promulgate administrative regulations in accordance with KRS Chapter  
17 13A, 323.400 to 323.416, and 323.992 that:

18 (1) Establish ***reasonable and necessary*** criteria of education, experience, and testing  
19 for those persons seeking certification as a certified interior designer ~~that are  
20 reasonable and necessary~~;

21 (2) ***Establish a two (2) year certificate to practice as an interior designer for initial  
22 and renewal certificates.***

23 **(3)** Establish an initial certification fee and a renewal fee for the certification of  
24 certified interior designers that may not in aggregate exceed amounts necessary to  
25 generate sufficient funds to effectively carry out and enforce the provisions of KRS  
26 323.400 to 323.416 and 323.992;

27 **(4)**~~(3)~~ Establish a renewal process for certifications that have expired; and

1 ~~(5)~~~~(4)~~ Establish a process regarding the use of a certified interior designer's signature  
2 and certificate number on documents, plans, reports, drawings, or specifications that  
3 do not require the seal of a licensed architect or professional engineer.

4 ➔Section 146. KRS 323.410 is amended to read as follows:

5 (1) The board shall issue a two (2) year certificate as a certified interior designer and a  
6 certificate number to any person who:

- 7 (a) Files an application with the board on a form prescribed by the board;
- 8 (b) Submits written proof that the person has successfully passed the NCIDQ  
9 examination and therefore has met the education and internship requirements  
10 established by NCIDQ;
- 11 (c) Meets the standards of education, experience, and testing established by the  
12 board under KRS 323.406(1); and
- 13 (d) Submits the required certification fee to the board.

14 (2) No person who has violated KRS 323.402 shall file an application with the board  
15 for a period of five (5) years.

16 (3) The board, upon proper application under this section, shall issue a two (2) year  
17 certificate as a certified interior designer and a certificate number to a person  
18 credentialed as an interior designer under the laws of any other country or state or  
19 territory of the United States, provided that at the time the license or certificate was  
20 issued the applicant met the requirements of subsection (1) of this section.

21 ➔Section 147. KRS 323.416 is amended to read as follows:

22 (1) Every person who wishes to renew a certificate as a certified interior designer shall  
23 successfully complete at least twelve (12) hours of continuing education each year  
24 within the broad range of subjects pertinent to interior design during the two (2)  
25 years~~[twelve (12) month period]~~ immediately preceding the expiration date of the  
26 person's certificate and include proof of completion of the continuing~~[such]~~  
27 education, on forms prescribed by the board, with the person's renewal application

1 and renewal fee.

2 (2) A minimum of eight (8) of the twelve (12) hours of continuing education required  
3 each year under subsection (1) of this section shall be composed of one (1) or more  
4 of the following topics: life safety codes, barrier-free codes, building structural  
5 systems, lighting, electrical systems, and heating, ventilation, and air conditioning  
6 systems.

7 ➔Section 148. KRS 323A.100 is amended to read as follows:

8 (1) All landscape architects desiring to continue practice shall biennially~~annually~~,  
9 prior to July 1 of the second year of the license, renew their licenses upon the  
10 payment of a fee and completion of approved continuing education as established  
11 by the board through the promulgation of administrative regulations. Each  
12 landscape architect shall furnish the information required by the board.

13 (2) Each landscape architect shall give the board written notice of any change of  
14 address within thirty (30) days.

15 (3) Licenses expire on July 1 of the second year of the license. After that  
16 date~~Thereafter~~, individuals whose licenses have expired as a result of nonrenewal  
17 may not hold themselves out to be landscape architects or engage in the practice of  
18 landscape architecture.

19 (4) The board may restore a license within five (5) years of last expiration, upon receipt  
20 of payment of all applicable fees, including a reinstatement fee, and completion of  
21 approved continuing education as established by the board through the  
22 promulgation of administrative regulations.

23 (5) ~~Beginning on January 1, 2015,~~ Any landscape architect who fails to maintain an  
24 active license for five (5) or more consecutive years or who does not hold a valid  
25 license described in KRS 323A.050 may restore his or her license only upon  
26 retaking and passing the current examination required by the board for licensure,  
27 and paying the reinstatement fee.

1           ➔Section 149. KRS 323A.170 is amended to read as follows:

2           **The board shall consist of five (5) members, to be appointed by the Governor.** Four (4)  
 3 members of the board~~[appointed by the Governor]~~ shall be landscape architects licensed  
 4 in the Commonwealth of Kentucky, and shall have been residents of this Commonwealth  
 5 for at least five (5) years immediately preceding their appointment. One (1) member shall  
 6 be a citizen at large who is not associated with or financially interested in the practice or  
 7 business regulated~~[. Each member shall serve for a term of three (3) years, and until a~~  
 8 ~~successor is appointed and qualified].~~

9           ➔Section 150. KRS 323A.210 is amended to read as follows:

10          (1) The board shall:

- 11           (a) Adopt and provide itself with a seal with a band inscribed, "Kentucky Board  
 12 of Landscape Architects" with the coat of arms of the state in the center;
- 13           (b) Keep a complete record of its proceedings and an accurate list of all  
 14 applications made, licenses issued, inactive and retired licenses, and licenses  
 15 disciplined; and
- 16           (c) Make a general report including finances to the Governor and the Legislative  
 17 Research Commission annually~~[-and~~
- 18           ~~(d) Employ legal counsel or contract for legal services it considers necessary].~~

19          (2) The board may:

- 20           (a) Promulgate administrative regulations necessary to maintain a program of  
 21 continuing education for licensees. Continuing education requirements shall  
 22 be determined by administrative regulation of the board. No requirement for  
 23 continuing education shall exceed fifteen (15) hours per year; and
- 24           (b) Adopt all reasonable administrative regulations consistent with this chapter  
 25 that are necessary to carry into effect the purposes of this chapter.

26           ➔Section 151. KRS 324.090 is amended to read as follows:

27          (1) Licenses shall expire biennially~~[annually]~~ and shall be renewed each licensure

1        ~~cycle~~[year] on the date determined by the commission by administrative regulation.  
 2        The commission shall renew a license for each ensuing ***biennial licensure***  
 3        ~~cycle~~[year], in the absence of any reason or condition which might warrant the  
 4        refusal of the granting of the license, upon receipt of the written request of the  
 5        applicant and payment of the ~~annual~~ fees required. A new license shall be mailed  
 6        only if the licensee's name, address, status, or affiliation changes.

7        (2) A fine not to exceed two hundred dollars (\$200) shall be assessed for failure to  
 8        renew on time before a new license is issued. Failure to receive a renewal form shall  
 9        not constitute an adequate excuse for failure to renew on time nor shall failure of  
 10       the mail.

11       (3) Any license not renewed at the end of the renewal year as prescribed by the  
 12       commission shall automatically revert to expired status. An expired license may be  
 13       reactivated before a lapse of one (1) year, if delinquent fees are paid by the licensee.

14       ➔Section 152. KRS 324.281 is amended to read as follows:

15       (1) There is hereby created the Kentucky Real Estate Commission. The Governor shall  
 16       appoint five (5) persons, at least four (4) of whom, immediately prior to the date of  
 17       their appointment have been residents of the state for ten (10) years and whose  
 18       vocation for a period of at least ten (10) years shall have been that of an active real  
 19       estate licensee. One (1) member shall be a citizen at large who is not associated  
 20       with or financially interested in the practice or business regulated~~. The term of the~~  
 21       ~~members of the commission shall be for three (3) years and until their successors~~  
 22       ~~are appointed and qualify, except as provided in subsections (2) and (3) of this~~  
 23       ~~section. A majority of the commission shall constitute a quorum for the transaction~~  
 24       ~~of business}.~~

25       (2)~~All appointments shall be for the specified three (3) year term. No person appointed~~  
 26       ~~after July 14, 2000, shall serve more than two (2) consecutive terms.~~

27       (3) ~~Subject to Section 16 of this Act,~~ for each appointment or vacancy, the Kentucky

1 Association of Realtors shall, within thirty (30)~~[sixty (60)]~~ days of an expiration  
2 vacancy or forty-five (45) days after any other vacancy, supply a list of not less  
3 than three (3) names of licensees to the Governor each year from which the broker  
4 or sales associate appointments shall be made. The Governor may reject the list of  
5 three (3) names and request that the Kentucky Association of Realtors submit a new  
6 list of three (3) names within fifteen (15)~~[sixty (60)]~~ days of the Governor's request.  
7 If the Kentucky Association of Realtors fails to timely submit this list to the  
8 Governor, the Governor may immediately appoint a qualified person to fill this  
9 vacancy~~[. The Governor may otherwise fill vacancies arising in the middle of the~~  
10 ~~year from those remaining on the list or from a new list supplied by the association].~~

11 (3)~~[(4)]~~ There shall not be more than three (3) members of any one (1) political party  
12 serving on the commission at the same time. No member of the commission shall  
13 reside in the same county as another member. Appointees to fill vacancies shall be  
14 appointed for the unexpired term.

15 (4)~~[(5)]~~ It shall be the duty of the commission to:

- 16 (a) Promulgate administrative regulations, with the approval of the executive  
17 director of the Kentucky Real Estate Authority;
- 18 (b) Hold disciplinary hearings concerning matters in controversy as provided by  
19 this chapter;
- 20 (c) Conduct examinations for applicants eligible under this chapter or  
21 alternatively to contract with an entity to conduct examinations;
- 22 (d) Conduct necessary educational seminars and courses directed toward  
23 continuing education within the real estate field;
- 24 (e) Investigate or cause to be investigated any irregularities in violation of this  
25 chapter or the promulgated and authorized administrative regulations of the  
26 commission; and
- 27 (f) Participate with any other agency of the Commonwealth or the authorized

1 agency of another state for the betterment or improvement of the  
2 administration of the statutes or administrative regulations governing this  
3 commission.

4 Any action taken by the commission under this subsection shall be appealable as are  
5 other actions of the commission under this chapter.

6 ~~(5)(6)~~ The commission, at its discretion, may use the funds necessary to purchase  
7 liability insurance for inspectors or members and executive officers of the  
8 commission~~[, inspectors, and for members of the staff exempted from classified  
9 service of the state by KRS 18A.115].~~

10 ~~(6)(7)~~ The commission shall require all actively-licensed agents, except for those  
11 agents who were licensed prior to June 19, 1976, to successfully complete  
12 mandatory continuing education as a condition of license renewal.

13 ~~(7)(8)~~ The commission shall, by the promulgation of administrative regulations,  
14 develop a review process by which continuing education courses may be approved  
15 for credit. An applicant may seek the commission's approval for credit for courses  
16 not previously approved by the commission by submitting sufficient information  
17 describing the course to the commission for review.

18 ~~(8)(9)~~ ~~[The Governor shall set the compensation of the members of the commission,  
19 but voting members of the commission shall be compensated no less than three  
20 hundred dollars (\$300) per day for official business, subject to an annual maximum  
21 of six thousand dollars (\$6,000). Members shall be reimbursed for all expenses paid  
22 and incurred in the discharge of official business consistent with the reimbursement  
23 policy for state employees.]~~With the approval of the executive director of the  
24 Kentucky Real Estate Authority within the Department of Professional Licensing,  
25 commission members and commission staff may attend and travel to and from  
26 meetings and events relevant to the commission or to the industry the commission  
27 represents.

1           ➔Section 153. KRS 324.282 is amended to read as follows:

2   ~~[The commission, immediately upon qualification of the member appointed in each year,~~  
3   ~~shall organize by selecting from its members a chairperson.]~~The commission shall  
4   promulgate administrative regulations in accordance with KRS Chapter 13A and this  
5   chapter to effectively carry out and enforce~~[the provisions of]~~ this chapter, but the  
6   commission shall not promulgate any administrative regulation which in any way fixes  
7   prices, establishes fees, or sets the rate at which licensees are compensated.

8           ➔Section 154. KRS 324.286 is amended to read as follows:

9   Except for the fees and charges paid by the licensees to the commission and deposited in  
10   the real estate education, research, and recovery fund, all fees and charges collected by the  
11   commission under~~[the provisions of]~~ this chapter shall be paid into the general fund in  
12   the State Treasury. All expenses incurred by the commission under~~[the provisions of]~~  
13   this chapter, including compensations to members~~[-secretaries, clerks, and assistants],~~  
14   except those expenses designated for payment out of the real estate education, research,  
15   and recovery fund, shall be paid out of the general fund in the State Treasury upon  
16   warrants of the secretary for finance and administration as warrants generally are required  
17   to be drawn by the statutes governing such respective offices from time to time, when  
18   vouchers therefor are exhibited and approved by the commission; provided, that the total  
19   expense for every purpose incurred shall not exceed the total fees, charges, fines, and  
20   penalties imposed under~~[the provisions of]~~ this chapter and paid into the State Treasury.  
21   All expenses incurred by the commission and designated for payment out of the real  
22   estate education, research, and recovery fund, including payments to aggrieved parties  
23   and the expenses of carrying on the educational and research requirements of KRS  
24   324.410, shall be paid out of the real estate education, research, and recovery fund in the  
25   same manner as required in this section for payments out of the general fund; provided,  
26   that the total expenses and payments for every purpose incurred and designated for  
27   payment out of the real estate education, research, and recovery fund shall not exceed the

1 total fees, charges, and interest received by the commission and paid into the real estate  
2 education, research, and recovery fund of the State Treasury.

3 ➔Section 155. KRS 324.287 is amended to read as follows:

4 The commission shall set, charge, and collect the following fees:

- 5 (1) Examination fee, not to exceed one hundred dollars (\$100).
- 6 (2) Broker's and sales associate's original license fee, not to exceed thirty dollars (\$30)  
7 per year.
- 8 (3) Broker's and sales associate's renewal fee, not to exceed thirty dollars (\$30) per  
9 year.
- 10 (4) Transfer from one (1) principal broker to another, not to exceed ten dollars (\$10).
- 11 (5) Certification of status with the commission, ten dollars (\$10).
- 12 (6) Request for any change, not to exceed ten dollars (\$10).
- 13 (7) Recovery fund, not to exceed thirty dollars (\$30) per year.
- 14 (8) Broker's and associate's applicant license criminal record check fee, not to exceed  
15 thirty dollars (\$30).

16 ➔Section 156. KRS 324.400 is amended to read as follows:

- 17 (1) There is hereby created and established in the State Treasury the real estate  
18 education, research, and recovery fund.
- 19 (2) In addition to the license fees provided for in KRS 324.287, upon renewal of every  
20 broker's and sales associate's license, as well as any and all other types of licenses, if  
21 any, issued by the commission, as of June 30, 1972, and every regular~~[annual]~~  
22 renewal date thereafter, the commission shall charge each of the aforesaid licensees  
23 an amount not to exceed thirty dollars (\$30) per year to be included in the real estate  
24 education, research, and recovery fund. Each~~[and every]~~ original applicant for a  
25 license after July 1, 1972, shall likewise submit to the commission an additional fee  
26 of thirty dollars (\$30) per year to be deposited in the real estate education, research,  
27 and recovery fund and shall also be subjected thereafter to a~~[an annual]~~ renewal fee

1 as of the regular renewal period.

2 (3) In addition to the license fees provided for in KRS 324.287, the commission, based  
 3 upon its own discretion as to need, may assess each licensee upon renewal an  
 4 amount less than thirty dollars (\$30) per year~~, or nothing, but not more~~. Each  
 5 original applicant shall~~must~~ pay the original amount of thirty dollars (\$30) per  
 6 year, but on renewal will be subjected to the same renewal amount as other  
 7 licensees.

8 ➔Section 157. KRS 324A.015 is amended to read as follows:

9 (1) There is created a Real Estate Appraisers Board consisting of five (5) members, two  
 10 (2) of whom shall be certified real estate appraisers, one (1) of whom shall represent  
 11 the public and shall not be associated with or financially interested in the practice of  
 12 real estate appraisals, and two (2) of whom shall be employed in the lending  
 13 industry. The board shall administer~~the provisions of~~ this chapter and may  
 14 promulgate administrative regulations necessary to effectuate the provisions of KRS  
 15 324A.010 to 324A.090.

16 ~~(2)(a) The board members shall be appointed by the Governor. Not more than one~~  
 17 ~~(1) board member shall be from any one (1) county within Kentucky.~~  
 18 ~~Members shall be appointed by the Governor for staggered terms of three (3)~~  
 19 ~~years. No person shall serve more than two (2) full consecutive terms.~~

20 ~~(b) Any member appointed to fill a vacancy occurring other than by expiration of~~  
 21 ~~a term shall be appointed for the remainder of the unexpired term.~~

22 ~~(c) No more than three (3) members of the same political party shall serve on the~~  
 23 ~~board at the same time.~~

24 (3) The appraiser appointees to the board shall be certified and shall have engaged in  
 25 the appraisal of real estate in Kentucky on a continuing basis for at least ten (10)  
 26 years.

27 ~~(4) A board member shall be automatically removed from the board and a vacancy shall~~

1       ~~occur when:~~

2       ~~(a) An appraiser member of the board ceases to be certified;~~

3       ~~(b) A consumer member of the board acquires a certification as an appraiser;~~

4       ~~(c) A lending industry member ceases to be employed in the lending industry;~~

5       ~~(d) A board member enters a plea of guilty to, or has been found guilty of, a~~  
6               ~~felony and the time for appeal has passed or the judgment of conviction has~~  
7               ~~been finally affirmed on appeal;~~

8       ~~(e) A board member ceases to be a bona fide resident of the Commonwealth of~~  
9               ~~Kentucky;~~

10       ~~(f) A board member displays incompetence, neglect of duty, or unprofessional~~  
11               ~~conduct;~~

12       ~~(g) A board member fails to adhere to a duly adopted code of ethics of the board.~~  
13               ~~Failure to adhere to this code shall be determined by official action of the~~  
14               ~~board; or~~

15       ~~(h) A board member misses three (3) consecutive meetings or misses more than~~  
16               ~~twenty five percent (25%) of the meetings held over the previous twelve (12)~~  
17               ~~month period.~~

18       ~~(5)}~~ The board shall adopt a seal with the design it prescribes, by which it shall  
19       authenticate its proceedings. Copies of all records and papers in the office of the  
20       board, duly certified and authenticated by the seal of the board, shall be received in  
21       evidence in all courts equally and with like effect as the original. All records kept in  
22       the office of the board under the authority of this chapter shall be open to public  
23       inspection in accordance with KRS 61.820 to 61.884 and consistent with  
24       regulations prescribed by the board.

25       ~~(5)~~ **The board shall meet at least once each calendar quarter.**

26       ~~{(6) The Governor shall set the compensation of the members of the board, but voting~~  
27               ~~members of the board shall be compensated no more than three hundred dollars~~

1       ~~(\$300) per day for official business, subject to an annual maximum of six thousand~~  
2       ~~dollars (\$6,000). Members shall be reimbursed for all expenses paid and incurred in~~  
3       ~~the discharge of official business consistent with the reimbursement policy for state~~  
4       ~~employees. With the approval of the executive director of the Kentucky Real Estate~~  
5       ~~Authority within the Department of Professional Licensing, board members and~~  
6       ~~board staff may attend and travel to and from meetings and events relevant to the~~  
7       ~~board or the industry the board represents.]~~

8       ➔Section 158. KRS 324A.045 is amended to read as follows:

- 9       (1) The board shall issue to each qualified applicant a certificate or license in a form  
10       and size~~[as shall be]~~ prescribed by the board.
- 11       (2) Every certificate and license shall be subject to biennial~~[annual]~~ renewal on the  
12       date or dates determined by the board by administrative regulation. Each certificate  
13       and license holder shall submit proof of compliance with the continuing education  
14       requirements when appropriate and the~~[annual]~~ renewal fee to the board on or  
15       before the last day of the designated month. Failure to receive a renewal form shall  
16       not constitute an adequate excuse for failure to renew on time.
- 17       (3) If the certificate or license holder fails to renew in a timely manner, the certificate or  
18       license shall expire. Within six (6) months after the renewal date, the former  
19       certificate or license holder shall be reinstated by complying with all appropriate  
20       renewal requirements and paying a late fee not to exceed two hundred dollars  
21       (\$200).
- 22       (4) If six (6) months or more elapse after the renewal date, the former certificate or  
23       license holder shall be required to meet all current requirements as if applying for  
24       initial certification or licensure.

25       ➔Section 159. KRS 324A.060 is amended to read as follows:

26       ~~[(1) The board may obtain office space, utilities, furniture, supplies, and other goods and~~  
27       ~~services that are reasonably necessary for carrying out the provisions of KRS~~

1       ~~324A.010 to 324A.090.~~

2       ~~(2)~~—]The administrative coordinator of the board shall be a certified general or certified  
3 residential real property appraiser and shall possess not less than ten (10) years of  
4 experience as an appraiser within the Commonwealth of Kentucky.

5       ➔Section 160. KRS 324A.065 is amended to read as follows:

6       (1) The board shall establish by administrative regulation and collect the following fees  
7 for certification or licensure as an appraiser for:

8       (a) Federally related transactions:

9           1. Initial application fee in an amount not to exceed two hundred twelve  
10 dollars (\$212), which shall include a fee for the current edition of the  
11 Uniform Standards of Professional Practice;

12           2. Examination fee in an amount not to exceed two hundred dollars (\$200);

13           3. a. A biennial~~[An annual]~~ certificate or licensure fee in an amount not  
14 to exceed two hundred twelve dollars (\$212) per year, which shall  
15 include a fee for the current edition of the Uniform Standards of  
16 Professional Appraisal Practice;

17           b. Duplicate certificate fee in an amount not to exceed ten dollars  
18 (\$10); and

19           c. Certificate correction fee in an amount not to exceed ten dollars  
20 (\$10); and

21           4. Roster fee not to exceed fifty dollars (\$50); and

22       (b) Nonfederally related transactions:

23           1. Initial application fee in an amount not to exceed one hundred dollars  
24 (\$100);

25           2. Examination fee in an amount not to exceed one hundred dollars (\$100);

26           3. a. A biennial~~[An annual]~~ certificate or licensure renewal fee in an  
27 amount not to exceed one hundred dollars (\$100) per year;

- 1           b. Duplicate certificate fee in an amount not to exceed five dollars  
2                   (\$5); and  
3           c. Certificate correction fee in an amount not to exceed five dollars  
4                   (\$5); and  
5           4. Roster fee not to exceed twenty-five dollars (\$25).

- 6 (2) (a) All fees and charges collected by the board under~~the provisions of~~ this  
7 chapter shall be paid into the Real Estate Appraisers Board's trust and agency  
8 account in the State Treasury.  
9 (b) All expenses incurred by the board under~~the provisions of~~ this chapter,  
10 including compensation to the board members~~and staff~~, shall be paid out of  
11 this account, subject to approval of the board.  
12 (c) ~~The provisions of~~ This subsection shall not apply to the fee charged pursuant  
13 to KRS 324A.155, which is required to be included in the appraisal  
14 management company recovery fund and which shall be paid into that fund.

15 ➔Section 161. KRS 324A.152 is amended to read as follows:

- 16 (1) A person shall not act or offer to act as an appraisal management company or  
17 perform appraisal management services within the Commonwealth unless registered  
18 by the board.  
19 (2) To be registered by the board, a person shall make written application to the board,  
20 submit to a criminal background check as provided in subsection (3) of this section,  
21 pay a filing fee established by the board, and pay the fee required to be included in  
22 the appraisal management company recovery fund created in KRS 324A.155. The  
23 written application shall include the following information:  
24 (a) The name, street address, and telephone contact information of the person  
25 seeking registration;  
26 (b) 1. If the registrant is a domestic organization, the designation of an agent  
27 for service of process; or

- 1           2.    If the registrant is a foreign organization, documentation that the foreign  
2                   organization is authorized to transact business in the Commonwealth  
3                   and has appointed an agent for service of process by submitting a copy  
4                   of:
- 5                   a.    The registrant's filing with the Secretary of State appointing an  
6                   agent for service of process; and
- 7                   b.    A certificate of authority issued by the Secretary of State.
- 8                   A foreign organization's failure to comply with this paragraph may  
9                   result in rejection of the application;
- 10          (c)   The name, residential street address, and contact information of any person  
11                   who owns ten percent (10%) or more of the appraisal management company  
12                   for which registration is being requested;
- 13          (d)   The name, residential street address, and contact information of a controlling  
14                   person or managing principal;
- 15          (e)   A certification that the registrant:
- 16                   1.    Has a system and process in place to verify that any person being added  
17                   to the appraiser panel of the appraisal management company, or who  
18                   may be used by the appraisal management company to otherwise  
19                   perform appraisals, holds a license in good standing in this state under  
20                   this chapter;
- 21                   2.    Has a system and process in place to review the work of all appraisers  
22                   that are performing appraisal services for the appraisal management  
23                   company on a periodic basis to ensure that the appraisal services are  
24                   being conducted in accordance with the minimum USPAP standards;  
25                   and
- 26                   3.    Maintains a detailed record of each request for appraisal services that it  
27                   receives and the appraiser that performs the appraisal services for the

1 appraisal management company;

2 (f) A certification from the registrant and any partner, member, manager, officer,  
3 director, managing principal, controlling person, or person occupying a similar  
4 status or performing similar functions, or person directly or indirectly  
5 controlling the registrant that:

6 1. The application for registration when filed or after filing contains no  
7 statement that, in light of the circumstances under which it was made, is  
8 false or misleading with respect to a material fact;

9 2. The person certifying has not violated or failed to comply with KRS  
10 324A.154, 324A.156, or 324A.158;

11 3. The person certifying and each person who owns ten percent (10%) or  
12 more of the registrant has not pled guilty or nolo contendere to or been  
13 found guilty of:

14 a. A felony; or

15 b. Within the past ten (10) years, a misdemeanor involving mortgage  
16 lending or real estate appraising, or an offense involving breach of  
17 trust or fraudulent or dishonest dealing;

18 4. The person certifying is not permanently or temporarily enjoined by a  
19 court of competent jurisdiction from engaging in or continuing any  
20 conduct or practice involving appraisal management services or  
21 operating an appraisal management company;

22 5. The person certifying is not the subject of an order of the board or any  
23 other state's appraisal management company regulatory agency denying,  
24 suspending, or revoking the person's privilege to operate as an appraisal  
25 management company; and

26 6. The person certifying has not acted as an appraisal management  
27 company while not properly registered by the board; and

- 1 (g) Any other information required by the board.
- 2 (3) The board shall require a national and state criminal background check on the  
3 person certifying under subsection (2)(f) of this section and each person who owns  
4 ten percent (10%) or more of the registrant under the following requirements:
- 5 (a) The person certifying and each person who owns ten percent (10%) or more of  
6 the registrant shall provide his or her fingerprints to the Department of  
7 Kentucky State Police for submission to the Federal Bureau of Investigation  
8 after a state criminal background check is conducted;
- 9 (b) The results of the national and state criminal background check shall be sent  
10 to the board; and
- 11 (c) Any fee charged by the Department of Kentucky State Police and the Federal  
12 Bureau of Investigation shall be an amount no greater than the actual cost of  
13 processing the request and conducting the check.
- 14 (4) The board shall issue a certificate of registration to a registrant authorizing the  
15 registrant to act or offer to act as an appraisal management company in this state  
16 upon:
- 17 (a) Receipt of a properly completed application;
- 18 (b) Payment of the required filing fee;
- 19 (c) Payment of the fee required to be included in the appraisal management  
20 company recovery fund; and
- 21 (d) A determination by the board that:
- 22 1. The registrant has not had a previous registration suspended or revoked;  
23 and
- 24 2. The activities of the applicant shall be directed and conducted by  
25 persons who:
- 26 a. Have not had a previous registration suspended or revoked;
- 27 b. Have not pled guilty or nolo contendere to or been found guilty of

- 1 a felony; or
- 2 c. Within the past ten (10) years have not pled guilty, pled nolo  
3 contendere to, or been found guilty of a misdemeanor involving  
4 mortgage lending or real estate appraising or an offense involving  
5 a breach of trust or fraudulent or dishonest dealing.
- 6 (5) (a) If the board finds that there is substantial reason to deny the application for  
7 registration, the board shall notify the registrant that the application has been  
8 denied and shall afford the registrant an opportunity for a hearing before the  
9 board to show cause why the registration should not be denied.
- 10 (b) All proceedings concerning the denial of a certificate of registration shall be  
11 conducted in accordance with KRS Chapter 13B.
- 12 (c) The acceptance by the board of an application for registration does not  
13 constitute the approval of its contents or waive the authority of the board to  
14 take disciplinary action under KRS 324A.162.
- 15 (6) (a) Registrations issued under this section shall be renewed ***biennially***~~[annually]~~.
- 16 (b) Renewal shall occur on October 31 of each ***renewal*** year.
- 17 (c) If the initial registration occurs less than six (6) months before October 31 ***of a***  
18 ***renewal year***, the renewal shall not be required until October 31 of the ***next***  
19 ***renewal***~~[following]~~ year, and shall then be renewed on October 31 of each  
20 ***renewal*** year thereafter.
- 21 (7) (a) Failure to renew a registration in a timely manner shall result in a loss of  
22 authority to operate.
- 23 (b) A request to reinstate a certificate of registration shall be accompanied by  
24 payment of a penalty of fifty dollars (\$50) for each month of delinquency, up  
25 to six (6) months after expiration.
- 26 (c) After six (6) months' delinquency, a new application for registration shall be  
27 required.

1 (8) The board shall promulgate administrative regulations to establish standards for the  
2 operation of appraisal management companies and for the implementation and  
3 enforcement of KRS 324A.150 to 324A.164.

4 ➔Section 162. KRS 324A.155 is amended to read as follows:

5 (1) There is hereby created and established in the State Treasury the appraisal  
6 management company recovery fund. The fund shall be administered by the board  
7 for the purposes set forth in KRS 324A.163.

8 (2) In addition to the license fees provided for in KRS 324A.154, upon issuance of  
9 every appraisal management company's registration, and every regular~~[-annual]~~  
10 renewal date thereafter, the board shall charge each registrant an amount not to  
11 exceed eight hundred dollars (\$800) per year to be deposited in the appraisal  
12 management company recovery fund.

13 (3) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the  
14 fiscal year shall not lapse, but shall be carried forward into the succeeding fiscal  
15 year. Any interest earnings of the fund shall become a part of the fund and shall not  
16 lapse.

17 ➔Section 163. KRS 324A.160 is amended to read as follows:

18 (1) The administrative coordinator~~[executive director]~~ of the board shall keep a  
19 register of all applicants for registration which shall include:

- 20 (a) The date of the application;  
21 (b) The applicant's name;  
22 (c) The applicant's business address; and  
23 (d) The current status of the registration.

24 (2) The register shall be prima facie evidence of all matters contained in the register.

25 (3) The register shall be kept on file in the office of the board and shall be open for  
26 public inspection in accordance with KRS 61.870 to 61.884.

27 ➔Section 164. KRS 325.230 is amended to read as follows:

1 (1) There is hereby created *within the Public Protection Cabinet, Department of*  
2 *Financial Institutions*, a State Board of Accountancy. The board shall consist of  
3 seven (7) members, appointed by the Governor. Six (6) of the members shall be  
4 certified public accountants. One (1) of the members shall be a citizen at large who  
5 is not a certified public accountant. Members serving on the board as of July 15,  
6 1994, shall retain their appointments until their terms expire. Whenever an  
7 appointment is to be made, the Kentucky Society of Certified Public Accountants  
8 shall submit to the Governor the names of three (3) persons for each vacancy to be  
9 filled. All persons recommended shall be qualified for membership on the board,  
10 and the Governor shall appoint one (1) of the three (3) recommended. Members of  
11 the board shall be citizens of the United States and residents of this state and the  
12 certified public accountant members shall hold licenses to practice issued under the  
13 provisions of this chapter. Of the new members appointed to the board, as provided  
14 by this section, one (1) member shall be appointed for a term of one (1) year and  
15 one (1) member shall be appointed for a term of four (4) years from June 19, 1976.  
16 Succeeding appointments to the board shall be for a term of four (4) years.  
17 Vacancies occurring during a term shall be filled by appointment for the unexpired  
18 term. Upon the expiration of his term of office, a member shall continue to serve  
19 until his successor shall have been appointed and shall have qualified. The  
20 Governor shall remove from the board any member whose license to practice is not  
21 renewed or which has become void, revoked, or suspended, and may, after hearing,  
22 remove any member of the board for neglect of duty or other just cause.

23 (2) Each member of the board shall be paid the amount established by an administrative  
24 regulation promulgated by the board, not to exceed two hundred dollars (\$200) for  
25 each day spent in the discharge of his official duties, and shall be reimbursed for his  
26 actual and necessary expenses therein incurred.

27 ➔Section 165. KRS 325.240 is amended to read as follows:

1 (1) ~~(a)~~ ~~The board shall elect annually a president and such other officers as it deems~~  
2 ~~necessary.~~

3 ~~(2)~~ The board may promulgate, and amend from time to time, administrative  
4 regulations, in accordance with the provisions of KRS Chapter 13A, for the orderly  
5 conduct of its affairs, for the administration of this chapter, and to establish and  
6 maintain a high standard of integrity and dignity in the profession of public  
7 accounting.

8 (b) Pursuant to KRS 13A.120(3), the board shall submit an administrative  
9 regulation to the commissioner of the Department of Financial Institutions  
10 prior to the board filing the administrative regulation. The commissioner  
11 shall review the proposed administrative regulation to determine whether it  
12 complies with clearly articulated state policy as provided by the General  
13 Assembly and is narrowly tailored to avoid unnecessary barriers to market  
14 entry. The secretary of the Public Protection Cabinet may act in the absence  
15 of the commissioner. A proposed administrative regulation that does not  
16 comply with clearly articulated state policy as provided by the General  
17 Assembly or is not narrowly tailored to avoid unnecessary barriers to  
18 market entry, both as determined by the commissioner, shall not be filed.

19 (c) When a board completes the regulatory impact analysis required by KRS  
20 13A.240, the board's responses to KRS 13A.240(1)(c)2. and (1)(d)2. shall  
21 include a brief narrative summary of:

22 1. How the administrative regulation complies with clearly articulated  
23 state policy as provided by the General Assembly;

24 2. Why the administrative regulation is necessary to protect the public  
25 health, safety, and welfare; and

26 3. How the administrative regulation is narrowly tailored to avoid  
27 unnecessary barriers to market entry.

1 ~~[(3) A majority of the board shall constitute a quorum for the transaction of business.]~~

2 (2)~~[(4)]~~ The board shall have a seal which shall be judicially noticed. The board shall  
3 keep records of its proceedings, and in any proceeding in court, civil or criminal,  
4 arising out of or founded upon any provision of this chapter, copies of said records  
5 certified as correct under the seal of the board shall be admissible in evidence as  
6 tending to prove the content of said records.

7 (3)~~[(5)]~~ The board may ~~employ an executive director and such other personnel as it~~  
8 ~~deems necessary in its administration and enforcement of this chapter. It may]~~  
9 appoint such committees or persons, to advise or assist it in the administration and  
10 enforcement, as it may see fit~~. It may retain its own counsel to advise and assist it,~~  
11 ~~in addition to such advice and assistance as is provided by the Attorney General of~~  
12 ~~this state].~~

13 (4)~~[(6)]~~ The board may join or participate in professional organizations and  
14 associations that promote improvement of the practice of accounting for the  
15 protection of the public or to facilitate the activities of the board.

16 (5)~~[(7)]~~ The board may expend funds from its account created by KRS 325.250 to  
17 assist with accounting educational programs proposed or offered in the primary and  
18 secondary schools in this state. The amount of the expenditure shall not interfere  
19 with the performance of the board's other responsibilities.

20 (6)~~[(8)]~~ The board may purchase professional liability insurance for its members, staff,  
21 and investigators. The purchase of or failure to purchase insurance shall not be  
22 deemed a waiver of any immunity already conferred on the board, its members,  
23 staff, and investigators.

24 ➔Section 166. KRS 325.360 is amended to read as follows:

25 (1) The board may conduct investigations of suspected violations of this chapter or the  
26 administrative regulations promulgated by the board to determine whether there is  
27 probable cause to institute proceedings against any person or firm for any violation

1 under this chapter, but an investigation under this section shall not be a prerequisite  
2 to proceedings. In aid of these investigations, the board or its designee may issue  
3 subpoenas to compel witnesses to testify and to produce evidence. Subpoenas may  
4 be served in person or by certified mail, return receipt requested.

5 (2) The board may designate a ~~a member, or any other~~ person of appropriate  
6 competence~~]~~ to serve as investigating officer to conduct an investigation. Upon  
7 completion of an investigation, the investigating officer shall report to the  
8 disciplinary review committee~~[board]~~. The disciplinary review committee~~[board]~~  
9 shall then find probable cause or lack of probable cause, or it shall request that the  
10 investigating officer investigate further. Until there has been a determination of  
11 probable cause, the findings of the investigating officer, the testimony and  
12 documents gathered in the investigation, and the fact of pendency of the  
13 investigation shall be treated as confidential information and shall not be disclosed  
14 to any person except law enforcement authorities and, to the extent deemed  
15 necessary in order to conduct the investigation, the subject of the investigation,  
16 persons whose complaints are being investigated, and witnesses questioned in the  
17 course of the investigation.

18 (3) Upon a finding of probable cause, the disciplinary review committee~~[board]~~ shall  
19 direct that a complaint be issued pursuant to this section setting forth appropriate  
20 charges~~]~~ ~~and a date for a hearing that shall be conducted in accordance with KRS~~  
21 ~~Chapter 13B]~~. Upon a finding of a lack of probable cause, the disciplinary review  
22 committee~~[board]~~ shall dismiss the matter either with or without prejudice.

23 (4) In any case where probable cause has been determined pursuant to this section, the  
24 disciplinary review committee~~[board]~~ may request the affected party to informally  
25 resolve the matter through mediation or otherwise.

26 (5) A person or firm, after having been served with the notice of hearing and complaint  
27 as provided for in subsection (3) of this section, shall file a written response within

1 twenty (20) days from the date of service. If the respondent licensee fails to file a  
2 timely response or fails to appear at the hearing, the board may hear evidence  
3 against the respondent and may enter a final order as shall be justified by the  
4 evidence.

5 (6) In a hearing under this section, the respondent may appear in person or, in the case  
6 of a firm, through a partner, shareholder, or other person with an ownership interest.

7 (7) The evidence supporting the complaint shall be presented by the investigating  
8 officer~~[-, by a board member designated for that purpose,]~~ or by counsel~~[-. A board  
9 member who presents the evidence, or who has conducted the investigation of the  
10 matter under this section, shall not participate in the board's decision of the matter].~~

11 ~~(8) [In a hearing under this section before the board or in acting upon the recommended  
12 order of a hearing officer, a vote of a majority of all members of the board then in  
13 office, other than a member disqualified by reason of subsection (7) of this section,  
14 shall be required to sustain any charge and to impose any penalty with respect  
15 thereto.~~

16 ~~(9)~~ Any person adversely affected by any order of the board may obtain a review  
17 thereof by filing a written petition for review with the Franklin Circuit Court in  
18 accordance with KRS Chapter 13B.

19 ~~(9)~~~~(10)~~ On rendering a final order, the board shall examine its records to determine  
20 whether the respondent is authorized or licensed to practice as a certified public  
21 accountant in any other state. If the board determines that the respondent is  
22 authorized or licensed to practice in any other state, the board shall notify the board  
23 of accountancy of the other state of its action by mail within thirty (30) days of  
24 rendering the final order.

25 ~~(10)~~~~(11)~~ The board may exchange information relating to proceedings resulting in  
26 disciplinary action against licensees with the boards of accountancy of other states  
27 and with other public authorities or private organizations having an interest in the

1 information.

2 ➔Section 167. KRS 326.020 is amended to read as follows:

3 (1) There is hereby created a board of ophthalmic dispensers to be known as the  
4 "Kentucky Board of Ophthalmic Dispensers." It shall consist of five (5) members to  
5 be appointed by the Governor, one (1) member of which shall be a licensed medical  
6 physician or osteopath experienced in the treatment and examination of eyes and  
7 one (1) member of which shall be a licensed optometrist. Two (2) members shall be  
8 licensed ophthalmic dispensers. One (1) member shall be a citizen at large who is  
9 not associated with or financially interested in the practice or business regulated.  
10 They shall not pass upon their own qualifications. ~~[- The board shall elect one (1) of~~  
11 ~~its members chairman and one (1) member secretary treasurer. These officers shall~~  
12 ~~serve at the pleasure of the board.]~~

13 ~~(2) [- Members shall serve for a period of four (4) years from the date of their~~  
14 ~~appointment and qualification. At the expiration of the term of office of any~~  
15 ~~member, the Governor shall appoint a successor for a term of four (4) years.~~

16 ~~(3)~~ (a) The board may promulgate administrative regulations to carry out the  
17 purposes and provisions of this chapter, including the licensing of apprentice  
18 ophthalmic dispensers and the adoption of a program for continuing education  
19 for all licensees.

20 (b) No licensee shall be permitted to renew his or her license, unless the  
21 minimum annual continuing education requirements have been completed. No  
22 program for continuing education shall contain, as a prerequisite for license  
23 renewal, a requirement for more than a total of six (6) credit hours per year for  
24 ophthalmic dispenser licensees, or four (4) credit hours per year for apprentice  
25 ophthalmic dispenser licensees.

26 ~~[(4) Board members shall receive fifty dollars (\$50) per day for attending board~~  
27 ~~meetings. Board members shall also be reimbursed for reasonable and necessary~~

1 ~~expenses incurred in the performance of their duties.]~~

2 ~~(3)~~~~(5)~~ The board may:

3 (a) Revoke, suspend, or refuse to issue or renew licenses; impose probationary or  
4 supervisory conditions upon licensee; or issue written reprimands to licensees,  
5 in accordance with KRS 326.090;

6 (b) Impose administrative fines in accordance with KRS 326.100; or

7 (c) Take any other action or combination of actions regarding licenses, licensees,  
8 or apprenticeships authorized by this chapter.

9 ~~(4)~~~~(6)~~ For the purpose of enforcing~~[the provisions of]~~ this chapter, the board may  
10 administer oaths, receive evidence, interview persons, issue subpoenas, and require  
11 the production of books, papers, documents, or other evidence.

12 ~~(5)~~~~(7)~~ The board may seek injunctive relief in Franklin Circuit Court to enjoin  
13 violation of KRS 326.030.

14 ➔Section 168. KRS 326.040 is amended to read as follows:

15 A two (2) year license as an ophthalmic dispenser shall be issued by the board to any  
16 person who pays a fee of fifty dollars (\$50) per year and submits evidence under oath  
17 satisfactory to the board that the applicant:

18 (1) ~~[That he or she ]~~Is more than eighteen (18) years of age and of good moral  
19 character;

20 (2) ~~[That he or she ]~~Possesses a high school diploma or a High School Equivalency  
21 Diploma;

22 (3) ~~[That he or she ]~~Has at least two (2) years of satisfactory training and experience in  
23 ophthalmic dispensing under the supervision of an ophthalmic dispenser, physician,  
24 osteopath, or optometrist, or is a graduate of an accepted school of ophthalmic  
25 dispensing; and

26 (4) ~~[That he or she ]~~Has passed a satisfactory examination in ophthalmic dispensing  
27 approved by the board.

1       ➔Section 169. KRS 326.080 is amended to read as follows:

2       (1) A license to practice ophthalmic dispensing shall be renewed every two (2)  
3       years~~[each year]~~ by the payment of a fee not to exceed seventy-five dollars (\$75)  
4       per year, unless the license has been suspended or revoked by the board.

5       (2) ~~[Effective January 1, 1996, ]~~As a prerequisite for license renewal, licensees shall  
6       provide adequate proof that they have obtained at least six (6) hours of continuing  
7       education credits per year, approved by the board, during the previous two (2)  
8       years~~[twelve (12) months]~~.

9       ➔Section 170. KRS 327.030 is amended to read as follows:

10      There is hereby established a Board of Physical Therapy which shall consist of seven (7)  
11      members who shall be appointed by the Governor.

12      (1) One (1) board member shall be a resident of Kentucky who is not affiliated with or  
13      does not have more than five percent (5%) financial interest in any health care  
14      profession or business.

15      (2) All other board members shall:

16          (a) Be residents of Kentucky;

17          (b) Have engaged in the practice of physical therapy in Kentucky for the past five  
18          (5) years; and

19          (c) Not have been disciplined by the board, or have been under any disciplinary  
20          action, in the past two (2) years.

21      (3) Subject to Section 16 of this Act, all vacancies shall be filled by the Governor from  
22      a list of three (3) persons per position submitted by the Kentucky Physical Therapy  
23      Association or as provided by KRS 12.070.

24      (4)~~[For appointments to the board after December 31, 2008, the first two (2)~~  
25      ~~appointments shall be for a term of two (2) years. The third appointment shall be for~~  
26      ~~a term of three (3) years. All other subsequent appointments shall be for a term of~~  
27      ~~four (4) years. All members shall serve until their successors are appointed and~~

1 qualify. No member shall serve for more than two ~~(2)~~ consecutive terms.

2 ~~(5) The Governor may remove any member of the board for misconduct, incompetence,~~  
3 ~~or neglect of duty.~~

4 ~~(6) The board may request the removal of a board member by the Governor.~~

5 ~~(7) The board shall annually elect a chair and chair elect.~~

6 ~~(8)~~ The board shall provide orientation to all new board members regarding the duties  
7 of the board.

8 ~~[(9) There shall be no liability on the part of, and no action for damages against, any~~  
9 ~~current or former board member, representative, agent, or employee of the board,~~  
10 ~~when the person is functioning within the scope of board duties, acting without~~  
11 ~~malice and with the reasonable belief that the actions taken by him or her are~~  
12 ~~warranted by law.~~

13 ~~(10) Each board member shall receive, in addition to travel, lodging, and other actual~~  
14 ~~and necessary expenses, a per diem not to exceed one hundred twenty dollars (\$120)~~  
15 ~~for each day the member is actually engaged in the discharge of official duties~~  
16 ~~approved by the board. The board shall, by promulgation of administrative~~  
17 ~~regulations, set the amount of the per diem.]~~

18 ➔Section 171. KRS 327.040 is amended to read as follows:

19 (1) ~~[It shall be the duty of ]~~The State Board of Physical Therapy shall~~[to]~~ receive  
20 applications from persons desiring to become physical therapists and shall~~[to]~~  
21 determine whether these~~[said]~~ applicants meet the qualifications and standards  
22 required by this chapter of all physical therapists. The board shall also enforce~~[be~~  
23 ~~charged with enforcement of the provisions of]~~ this chapter.

24 (2) The board is an agency of state government with the power to institute criminal  
25 proceedings in the name of the Commonwealth against violators of this chapter, and  
26 to institute civil proceedings to enjoin any violation of this chapter. The board shall  
27 investigate every alleged violation of this chapter coming to its notice and shall take

1 action as it may deem appropriate. ~~It shall be the duty of~~ The Attorney General,  
2 the Commonwealth's attorneys, and the county attorneys shall~~to~~ assist the board in  
3 prosecuting all violations of this chapter.

4 (3) The board shall meet at least once each quarter at a~~such~~ place in this state~~as may~~  
5 ~~be~~ selected by the board.~~Four (4) members of the board shall constitute a quorum~~  
6 ~~for the transaction of business.~~ All meetings shall be held at the call of the  
7 chairman or at a call of a quorum of members upon not less than ten (10) days'  
8 written notice, unless notice is~~shall be~~ waived. The presence of any member at any  
9 meeting of the board shall constitute a waiver of notice of the meeting~~thereof~~ by  
10 the member.

11 (4) The board may conduct investigations and schedule and conduct administrative  
12 hearings in accordance with KRS Chapter 13B, to enforce~~the provisions of~~ this  
13 chapter or administrative regulations promulgated pursuant to this chapter. The  
14 board may~~shall have the authority to~~ administer oaths, receive evidence, interview  
15 persons, issue subpoenas, and require the production of books, papers, documents,  
16 or other evidence. In case of disobedience to a subpoena, the board may invoke the  
17 aid of the Franklin Circuit Court. Any order or subpoena of the court requiring the  
18 attendance or testimony of witnesses or the production of documentary evidence  
19 may be enforced and shall be valid anywhere in the Commonwealth.

20 (5) The board shall keep a minute book containing a record of all meetings of the  
21 board.

22 (6) The board shall maintain a register of all persons licensed or certified under this  
23 chapter. This register shall show the name of every licensee or certificate holder in  
24 this state, the person's~~his~~ current business and residence address and telephone  
25 numbers, and the date and number of the person's~~his~~ license or certificate. A  
26 licensee or certificate holder shall notify the board of a change of name, address, or  
27 telephone number, within thirty (30) days of the change.

- 1 (7) The board's records shall be updated annually.
- 2 (8) The board shall publish annually and make available, a current directory of all  
3 licensed physical therapists and certified physical therapists' assistants.
- 4 (9) The board shall adopt a seal which shall be affixed to every license and certificate  
5 granted by it.
- 6 (10) The board may promulgate administrative regulations establishing a measure of  
7 continued competency as a condition of license renewal.
- 8 (11) The board may promulgate and enforce reasonable administrative regulations  
9 relating to~~for the effectuation of the purposes of~~ this chapter pursuant to~~the~~  
10 ~~provisions of~~ KRS Chapter 13A.
- 11 (12) The board shall promulgate by administrative regulation a code of ethical standards  
12 and standards of practice.
- 13 (13) The board may~~shall have the right to~~ regulate physical therapists' assistants and  
14 may promulgate reasonable administrative regulations regarding certification,  
15 limitations of activities, supervision, and educational qualifications for physical  
16 therapists' assistants. The board may establish reasonable fees for the certification,  
17 renewal, and endorsement of physical therapists' assistants. The fees shall not  
18 exceed corresponding fees for physical therapists.
- 19 (14) The board shall promulgate administrative regulations governing the physical and  
20 mental examination of physical therapists, physical therapists' assistants, or  
21 applicants, who may be impaired by reason of a mental, physical, or other condition  
22 that impedes their ability to practice competently. For purposes of enforcing this  
23 section, the board may~~shall have the power to~~ order an immediate temporary  
24 suspension in accordance with KRS 13B.125 if there is a reasonable cause to  
25 believe that a physical therapist, physical therapist's assistant, or applicant may be  
26 impaired by reason of a mental, physical, or other condition that impedes his or her  
27 ability to practice competently.

1       ➔Section 172. KRS 327.050 is amended to read as follows:

- 2       (1) Before applying for licensure by the board as a physical therapist, a person shall  
3       have successfully completed an accredited program in physical therapy approved by  
4       the board. No school shall be approved by the board unless it has been approved for  
5       the educational preparation of physical therapists by the recognized national  
6       accrediting agency for physical therapy educational programs.
- 7       (2) Any person who possesses the qualifications required by this chapter and who  
8       desires to apply for licensure as a physical therapist in Kentucky shall make written  
9       application to the board, on forms to be provided by the board. The application shall  
10      be accompanied by an~~a nonrefundable~~ application fee in an amount to be  
11      determined by the board, but not to exceed two hundred fifty dollars (\$250).
- 12      (3) If it appears from the application that the applicant possesses the qualifications  
13      required by this chapter and has not yet successfully completed the board-approved  
14      examination, the applicant shall be allowed to sit for the examination and tested in  
15      the subjects the board may determine to be necessary.
- 16      (4) Examinations shall be held within the state at least once a year at the time and place  
17      as the board shall determine.
- 18      (5) An applicant who is admitted to the examination or an applicant who has submitted  
19      satisfactory evidence that the applicant~~he~~ has been accepted as a candidate for  
20      licensure by examination in a state which offers an examination approved by the  
21      board may be granted a temporary permit which shall be valid until the  
22      applicant's~~his~~ examination is graded and that person~~he~~ is notified by the board  
23      of his or her score. The board may summarily withdraw a temporary permit upon  
24      determination that the person has made any false statement to the board on the  
25      application, or the person fails to pass an examination approved by the board.
- 26      (6) An applicant who receives a passing score as determined by the board and who  
27      meets the other qualifications required by this chapter shall be licensed as a physical

1 therapist.

2 (7) An applicant who fails to receive a passing ***examination*** score~~[on his examination]~~  
3 shall not be licensed, but the board may, by administrative regulation, permit  
4 applicants to take the examination more than once.

5 (8) All licenses and certificates shall be renewed biennially, upon payment on or before  
6 March 31 of each uneven-numbered year of a renewal fee in an amount to be  
7 promulgated by the board by administrative regulations.

8 (9) Licenses and certificates which are not renewed by March 31 of each uneven-  
9 numbered year shall lapse.

10 (10) This chapter shall not be construed to affect or prevent:

11 (a) A student of physical therapy from engaging in clinical practice under the  
12 supervision of a licensed physical therapist, as part of the student's educational  
13 program;

14 (b) A physical therapist who is licensed to practice in another state or country  
15 from conducting or participating in a clinical residency under the supervision  
16 of a physical therapist licensed in Kentucky and for a period of not more than  
17 ninety (90) days;

18 (c) A physical therapist who is licensed to practice in another state or country  
19 from conducting or participating in the teaching of physical therapy in  
20 connection with an educational program and for a period of not more than  
21 ninety (90) days;

22 (d) A physical therapist licensed in another state or country from performing  
23 therapy on members of the out-of-state sports or entertainment group they  
24 accompany to Kentucky; or

25 (e) The practice of chiropractic as defined in KRS 312.015(3).

26 ➔Section 173. KRS 327.080 is amended to read as follows:

27 ~~{(1)}~~All fees received by the board and collected under this chapter or the

1 administrative regulations adopted in accordance with this chapter shall be deposited with  
 2 the State Treasurer and credited to the revolving fund of the board, a trust and agency  
 3 fund, to be used by the board in defraying the costs and expenses of the board in the  
 4 administration of ~~the provisions of~~ this chapter. No part of this fund shall revert to the  
 5 general fund of the Commonwealth.

6 ~~[(2) The board may employ an executive director and other personnel and may purchase  
 7 such materials and supplies as it may deem necessary for the proper discharge of its  
 8 duties.]~~

9 ➔Section 174. KRS 329A.020 is amended to read as follows:

- 10 (1) The Kentucky Board of Licensure for Private Investigators is hereby created.
- 11 (2) The board shall consist of seven (7) members appointed by the Governor.
- 12 (a) One (1) member shall be an attorney from the Office of the Attorney General  
 13 to be designated by the Attorney General;
- 14 (b) One (1) member shall be a municipal police officer of the rank of captain or  
 15 above;
- 16 (c) One (1) member shall be a county sheriff;
- 17 (d) Three (3) members shall each have been private investigators for at least five  
 18 (5) years prior to the date of their appointment and shall be of recognized  
 19 business standing; and
- 20 (e) One (1) member shall be a citizen at large who is not associated with or  
 21 financially interested in the practice of private investigating.
- 22 (3) All members shall be residents of this state and possess good moral character.
- 23 ~~(4) [The original members of the board shall be appointed by no later than January 1,  
 24 2003, as follows:~~
- 25 ~~(a) One (1) member to a one (1) year term;~~
- 26 ~~(b) Two (2) members to a two (2) year term;~~
- 27 ~~(c) Two (2) members to a three (3) year term; and~~

- 1       ~~(d) Two (2) members to a four (4) year term.~~
- 2       ~~(5) After the initial appointments to the board, all members shall serve a two (2) year~~  
3       ~~term.~~
- 4       ~~(6) Any vacancy occurring on the board shall be filled by the Governor.~~
- 5       ~~(7) No member may serve more than two (2) full consecutive terms.~~
- 6       ~~(8) No member shall continue to serve if the member no longer meets the qualifications~~  
7       ~~required under subsections (2) and (3) of this section.~~
- 8       ~~(9) The three (3) board members who are private investigators and the member at large~~  
9       ~~shall receive the sum of one hundred dollars (\$100) per day for each day the board~~  
10       ~~meets. All members shall receive reimbursement for actual and necessary expenses~~  
11       ~~incurred in the performance of their official duties.~~
- 12       ~~(10) The board shall annually elect a chairman, a vice chairman, and a secretary treasurer~~  
13       ~~from the membership of the board.~~
- 14       ~~(11) The board shall hold at least two (2) meetings annually and additional meetings as~~  
15       ~~the board may deem necessary. Additional meetings may be held upon call of the~~  
16       ~~chairman or upon written request of a quorum. Four (4) members of the board shall~~  
17       ~~constitute a quorum to conduct business.~~
- 18       ~~(12) Upon recommendation of the board, the Governor may remove any member of the~~  
19       ~~board for neglect of duty or malfeasance in office.~~
- 20       ~~(13) The board may purchase professional liability insurance for the board members and~~  
21       ~~agents and staff of the board.~~
- 22       ➔Section 175. KRS 329A.025 is amended to read as follows:
- 23       (1) The board shall administer and enforce~~[ the provisions of]~~ KRS 329A.010 to  
24       329A.090 and shall evaluate the qualifications of applicants for licensure and issue  
25       licenses.
- 26       (2) The board shall:
- 27       (a) Implement~~[ the provisions of]~~ KRS 329A.010 to 329A.090 through the

1 promulgation of administrative regulations in accordance with ~~the provisions~~  
2 ~~of~~ KRS Chapter 13A;

3 (b) Promulgate administrative regulations to establish fees which shall not exceed  
4 the amounts necessary to generate sufficient funds to effectively carry out and  
5 enforce ~~the provisions of~~ KRS 329A.010 to 329A.090;

6 (c) Promulgate by administrative regulation an examination to be administered at  
7 least twice annually to license applicants. The examination shall be designed  
8 to measure knowledge and competence in private investigating, including but  
9 not limited to the following subject areas:

- 10 1. Federal and state constitutional principles;
- 11 2. Court decisions related to activities which could result in liability for the  
12 invasion of privacy or other activities;
- 13 3. Eavesdropping and related offenses, assault and related offenses, search  
14 and seizure laws, and laws regarding unlawful access to a computer;
- 15 4. General weapons use and concealed weapons laws;
- 16 5. Additional state criminal laws and related procedures that are relevant to  
17 the practice of private investigating; and
- 18 6. Additional subject areas as determined by the board; and

19 (d) Promulgate by administrative regulation a code of professional practice and  
20 conduct that shall be based upon generally recognized principles of  
21 professional ethical conduct and be binding upon all licensees.

22 (3) The board may:

23 ~~(a) Contract with the Department of Professional Licensing within the Public~~  
24 ~~Protection Cabinet for the provision of administrative services;~~

25 ~~(b) Employ any persons it deems necessary to carry on the work of the board. The~~  
26 ~~board may define their duties and fix their compensation;~~

27 ~~(e)~~ Develop or sponsor at least six (6) hours of continuing professional education

1 annually;

2 ~~(b)~~~~(d)~~ Approve and certify a forty (40) hour training class covering the subject  
3 areas of the licensing examination;

4 ~~(c)~~~~(e)~~ Renew licenses and require continuing professional education as a  
5 condition for renewal;

6 ~~(d)~~~~(f)~~ Waive the examination requirement for any applicant licensed in a  
7 reciprocal state as prescribed in paragraph (j) of this subsection~~[(3)(m) of~~  
8 ~~this section]~~, who is licensed in good standing in that state and meets all of the  
9 other requirements of KRS 329A.035;

10 ~~(e)~~~~(g)~~ Suspend or revoke licenses, impose supervisory or probationary  
11 conditions upon licensees, impose administrative disciplinary fines, or issue  
12 written admonishments or reprimands, or any combination of these  
13 actions~~[thereof]~~;

14 ~~(f)~~~~(h)~~ Issue subpoenas, examine witnesses, pay appropriate witness fees,  
15 administer oaths, and investigate allegations of practices violating the  
16 provisions of KRS 329A.010 to 329A.090;

17 ~~(g)~~~~(i)~~ Conduct hearings pursuant to KRS Chapter 13B and keep records and  
18 minutes necessary to carry out the board's functions;

19 ~~(h)~~~~(j)~~ ~~Organize itself into two (2) panels to separate the functions of inquiry~~  
20 ~~and hearings. Each panel shall have the power to act as either an inquiry or~~  
21 ~~hearing panel. No member serving on the inquiry panel shall serve on the~~  
22 ~~hearing panel for any one (1) particular case. Any final decision of the hearing~~  
23 ~~panel shall be considered as the final decision of the board and the hearing~~  
24 ~~panel may exercise all powers granted to the board pursuant to KRS Chapter~~  
25 ~~13B;~~

26 ~~(k)~~ Utilize mediation as a technique to resolve disciplinary matters;

27 ~~(i)~~~~(l)~~ Seek injunctive relief in the Circuit Court of the county where the

1           alleged unlawful practice occurred to stop the unlawful practice of private  
2           investigating by unlicensed persons or companies; and

3           ~~(j)(m)~~   Negotiate and enter into reciprocal agreements with appropriate officials  
4           in other states to permit licensed investigation companies and private  
5           investigators who meet or exceed the qualifications established in KRS  
6           329A.010 to 329A.090 to operate across state lines under mutually acceptable  
7           terms.

8           ➔Section 176. KRS 329A.030 is amended to read as follows:

9           (1) All fees and other moneys received by the board pursuant to ~~the provisions of~~  
10           KRS 329A.010 to 329A.090 shall be deposited in the State Treasury to the credit of  
11           a revolving fund for the use of the board.

12           (2) No part of this revolving fund shall revert to the general fund of this  
13           Commonwealth.

14           (3) The revolving fund may be used to pay for:

15           (a) The compensation and reimbursement of board members for actual and  
16           necessary expenses incurred in the performance of official duties;

17           ~~(b) The compensation of all of the employees of the board;~~

18           ~~(c)~~ Those operational and capital expenses incurred in fulfilling the board's duties  
19           as described in KRS 329A.010 to 329A.090 and in administrative regulations;  
20           and

21           ~~(c)(d)~~   The development or sponsorship of at least six (6) hours of continuing  
22           education courses annually, to be conducted in various areas of the state.

23           ➔Section 177. KRS 330.050 is amended to read as follows:

24           (1) There is hereby created a Board of Auctioneers. The Governor shall appoint a board  
25           consisting of five (5) members, all of whom immediately prior to the date of their  
26           appointment have been residents of the Commonwealth of Kentucky for five (5)  
27           years, and four (4) whose vocation for a period of at least five (5) years has been

1 that of an auctioneer. One (1) member shall be a citizen at large who is not  
2 associated with or financially interested in the practice or business regulated~~[-The~~  
3 ~~term of the members of the board shall be for three (3) years and until their~~  
4 ~~successors are appointed and qualified. Members to fill vacancies shall be appointed~~  
5 ~~for the unexpired term].~~

6 (2) At no time shall there be more than two (2) auctioneer members of the same  
7 political party on the board. Whenever there is an auctioneer vacancy on the board  
8 **due to expiration of a term**, within **thirty (30)**~~[sixty (60)]~~ days the Kentucky  
9 Auctioneer Association shall recommend to the Governor at least three (3) names  
10 for each auctioneer vacancy. **If the vacancy occurs for a reason other than the**  
11 **expiration of a term, the Kentucky Auctioneer Association shall have forty-five**  
12 **(45) days after notification of the vacancy to submit a list of three (3) names to**  
13 **the Governor to fill the vacancy. Subject to Section 16 of this Act, the**~~[and such]~~  
14 appointment or appointments shall be made from the recommendations of the  
15 association, unless the Governor rejects the list of three (3) names and requests that  
16 the Kentucky Auctioneer Association submit a new list of three (3) names within  
17 **fifteen (15)**~~[sixty (60)]~~ days of the Governor's request. If the Kentucky Auctioneer  
18 Association fails to timely submit its recommendations to the Governor, the  
19 Governor may immediately appoint a qualified auctioneer to fill this vacancy.

20 ~~(3) [-The board, immediately upon qualification of the member appointed in each year,~~  
21 ~~shall organize by selecting from its members a chairman.-~~

22 ~~(4)]~~ (a) No member of the board shall reside in the same county as another member.

23 (b) ~~[A majority of the board shall constitute a quorum for the transaction of~~  
24 ~~business.-~~

25 ~~(c) -No member may serve on the board for more than six (6) consecutive years.-~~

26 ~~]A member may serve on the board[- for six (6) consecutive years]~~ on more  
27 than one (1) occasion if that person is not a member of the board for at least

1 two (2) years between periods of board service.

2 ~~(4)~~~~(5)~~ (a) ~~The board shall obtain office space, furniture, stationery, and any other~~  
3 ~~proper supplies and conveniences reasonably necessary to carry out the~~  
4 ~~provisions of this chapter. If any items deemed to be reasonably necessary by~~  
5 ~~or which are required by the board are available through vendors under~~  
6 ~~contract with the Commonwealth of Kentucky at less cost than if obtained~~  
7 ~~otherwise, then the items shall be acquired pursuant to the contract.~~

8 (b) The board *may*~~(shall have full authority to)~~ obtain for its members~~, staff, and~~  
9 ~~employees~~ complete insurance coverage, including, but not limited to,  
10 liability and errors and omissions insurance, so long as the insurance concerns  
11 the business of the board.

12 ~~(5)~~~~(6)~~ All fees and charges collected by the board under ~~the provisions of~~ this  
13 chapter shall be paid into the State Treasury through the Finance and  
14 Administration Cabinet and shall be credited to an agency fund account for the  
15 Board of Auctioneers under ~~the provisions of~~ KRS 45.253 and shall be withdrawn  
16 or expended as provided in that section, if *the*~~(such)~~ payment, credit, withdrawal, or  
17 expense provisions do not conflict with ~~any provision of~~ this chapter.

18 (a) The board may establish and collect reasonable fees relating to the  
19 administration and enforcement of this chapter for application or other  
20 processing costs, on-line service, continuing education provider services, copy  
21 and mailing services, or other fees necessary to offset the licensing and  
22 processing costs.

23 (b) The total expenses for all purposes and obligations of the board shall not  
24 exceed the total fees, charges, fines, penalties, and other income imposed  
25 under ~~the provisions of~~ this chapter and paid into the state treasury.

26 (c) The board shall be financially self-sustaining, and if funds permit it may  
27 underwrite, within its financial limitations, educational programs for the

1 enlightenment and benefit of all licensees who have paid fees pursuant to this  
2 chapter.

3 ~~(6)~~~~(7)~~ The board shall maintain annually a list of the names and addresses of all  
4 licensees regulated by the board. This list shall also contain the names of all persons  
5 whose licenses have been suspended or revoked within the preceding year, as well  
6 as any other information relative to the enforcement of ~~the provisions of~~ this  
7 chapter that the board may deem of interest to the public.

8 ~~(7)~~~~(8)~~ The board may promulgate administrative regulations with the approval of the  
9 executive director of the Kentucky Real Estate Authority in accordance with KRS  
10 Chapter 13A as required to fulfill the duties and functions assigned to the board by  
11 this chapter.

12 ~~(8)~~~~(9)~~ ~~[A board member shall be automatically removed from the board and a~~  
13 ~~vacancy shall occur when:~~

14 ~~(a) An auctioneer member of the board ceases to be a licensed auctioneer;~~

15 ~~(b) A nonlicensed member of the board acquires a license regulated by the board;~~

16 ~~(c) A board member enters a plea of guilty, an Alford plea, a plea of no contest to,~~  
17 ~~or has been convicted of, any felony, and the time for appeal has passed or the~~  
18 ~~judgment of conviction has been finally affirmed on appeal;~~

19 ~~(d) A board member ceases to be a resident of the Commonwealth of Kentucky;~~

20 ~~(e) The member displays incompetence, neglect of duty, or unprofessional~~  
21 ~~conduct;~~

22 ~~(f) The member fails to adhere to a duly adopted code of ethics of the board.~~  
23 ~~Failure to adhere to this code shall be determined by official action of the~~  
24 ~~board;~~

25 ~~(g) The member enters a plea of guilty to, or has been found guilty of, a felony~~  
26 ~~and the time for appeal has passed or the judgment of conviction has been~~  
27 ~~finally affirmed on appeal; or~~

1       ~~(h) The member misses three (3) consecutive meetings or misses more than~~  
2           ~~twenty five percent (25%) of the meetings held over the previous twelve (12)~~  
3           ~~month period.~~

4       ~~(10) The Governor shall set the compensation of the members of the board, but voting~~  
5           ~~members of the board shall be compensated no less than three hundred dollars~~  
6           ~~(\$300) per day for official business, subject to an annual maximum of six thousand~~  
7           ~~dollars (\$6,000). Members shall be reimbursed for all expenses paid and incurred in~~  
8           ~~the discharge of official business consistent with the reimbursement policy for state~~  
9           ~~employees. ]With the approval of the executive director of the Kentucky Real Estate~~  
10          ~~Authority within the Department of Professional Licensing, board members and~~  
11          ~~board staff may attend and travel to and from meetings and events relevant to the~~  
12          ~~board and the industry the board represents.~~

13       ➔Section 178. KRS 330.070 is amended to read as follows:

14       (1) An apprentice auctioneer applying for an auctioneer license shall, subject to the  
15          provisions of KRS 330.060:

16           (a) Possess a current Kentucky apprentice auctioneer license;

17           (b) Serve an apprenticeship for a period of one (1) year as an apprentice  
18           auctioneer in Kentucky;

19           (c) Submit a statement to the board, signed by the principal auctioneer, verifying  
20           that the applicant has actively and materially participated in at least ten (10)  
21           auctions prior to application; and

22           (d) Successfully complete at least eighty (80) hours of approved classroom  
23           instruction from a board-approved auction education provider. The board may  
24           waive the eighty (80) hours of approved classroom instruction requirement if  
25           the applicant demonstrates sufficient previous auction experience and  
26           competency by affidavit or other evidence as required by the board.

27       (2) An apprentice auctioneer with an original license issued prior to June 30, 2010, or

1 after July 1, 2015, shall be required to successfully complete the auctioneer  
2 examination.

3 (3) If an applicant for an auctioneer license resides in a state which does not have a  
4 current reciprocity agreement with the board, the board may waive the eighty (80)  
5 hour education requirement or the apprenticeship requirement, or both, if the  
6 applicant demonstrates sufficient previous auction experience and competency by  
7 affidavit or by other evidence as required by the board.

8 (4) An applicant for an auctioneer license who has previously held an auctioneer license  
9 which has been revoked, suspended, or which has expired without renewal may  
10 request, and the board may grant, a waiver of the requirement of possession of a  
11 current apprentice license.

12 (5) Every application for a license issued by the board shall be submitted on forms  
13 prepared by the board. Each applicant shall furnish pertinent background data as  
14 outlined on those forms.

15 (6) The board shall promulgate administrative regulations in accordance with KRS  
16 Chapter 13A to establish *a biennial initial license and a biennial renewal license.*  
17 *The board shall also establish a biennial~~an~~ initial license fee and a*  
18 *biennial~~annual~~ renewal license fee, neither of which shall exceed one hundred*  
19 *fifty dollars (\$150) per year.*

20 (a) All licenses shall expire on the thirtieth day of June *of the second year.*

21 (b) Each license shall be renewed on or before the expiration date.

22 (c) In addition to the renewal fee, a late fee shall be established by administrative  
23 regulations promulgated by the board on each license renewed within six (6)  
24 months after the expiration date.

25 (d) In the absence of any reason or condition which might warrant the refusal of  
26 renewing a license, and upon timely receipt of the renewal form and the  
27 *required~~annual~~ fee*, the board shall issue a license for the ensuing *two (2)*

1           years~~[year]~~.

2       (7) (a) The board may require as a condition precedent to the renewal of any license,  
3           that each licensee complete continuing education up to ten (10) hours per  
4           license year. The board may impose different continuing education  
5           requirements upon different classifications of licenses under this chapter. The  
6           continuing education requirements in this subsection shall not apply to those  
7           auctioneers licensed prior to January 1, 1980.

8       (b) A licensee who has not completed the required continuing education may,  
9           within the time period set forth in subsection (6) of this section, remit a fee  
10          established by administrative regulations promulgated by the board with the  
11          applicable renewal fees, and the continuing education reporting requirement  
12          shall be deferred to the next~~[annual]~~ renewal. If the licensee fails to meet the  
13          continuing education requirement for the next~~[annual]~~ renewal, the licensee  
14          shall successfully complete the examination before renewal of his or her  
15          license.

16       (c) 1. The board may require all licensees to complete a six (6) hour board-  
17          approved core course once every four (4) years, that includes the core  
18          subjects of Kentucky auction statutes and regulations, ethics, and any  
19          other subject matter deemed appropriate by the board.

20       2. Effective July 1, 2016, each licensee with at least twenty-five (25) years  
21          of continuous licensure shall be exempt from the requirements of this  
22          paragraph.

23       (8) The board shall prepare and deliver to each licensee a pocket license. The pocket  
24          license of the apprentice auctioneer shall contain the name and address of his or her  
25          principal auctioneer. The board shall also prepare and deliver a license to each  
26          auction house operator.

27       (a) Auction house operators shall display their licenses conspicuously and at all

1 times in the auction house identified on the license.

2 (b) All licensees shall carry their pocket licenses, or a digital facsimile ***of their***  
3 ***pocket licenses***~~[thereof]~~, when performing auctioneering tasks, to be shown  
4 upon request.

5 (c) A license or pocket license shall be replaced upon the request of the licensee  
6 and payment of a replacement fee established by administrative regulations  
7 promulgated by the board in accordance with KRS Chapter 13A.

8 (9) When an apprentice auctioneer is discharged or voluntarily terminates employment  
9 with the auctioneer for any reason:

10 (a) It shall be the immediate duty of the principal auctioneer to deliver to the  
11 board a written release of the apprentice auctioneer; and

12 (b) The apprentice auctioneer shall affiliate with a principal auctioneer within  
13 thirty (30) days by submitting to the board an affiliation letter signed by the  
14 new principal auctioneer and a fee established by administrative regulations  
15 promulgated by the board in accordance with KRS Chapter 13A.

16 An apprentice auctioneer shall not perform any of the acts regulated by this chapter  
17 until receiving a new license bearing a new principal auctioneer's name and address.

18 (10) (a) A licensee may place his or her license in escrow with the board if the licensee  
19 does not engage in any board-regulated auctioneering activity and continues to  
20 pay the~~[annual]~~ renewal license fee.

21 (b) For each year the license is in escrow, a licensee shall be exempt from the  
22 contribution to the auctioneer's education, research, and recovery fund and the  
23 continuing education requirement.

24 (c) To reactivate a license in escrow, the licensee shall complete the core course  
25 and pay a reactivation fee and the~~[annual]~~ renewal recovery fee, both of  
26 which shall be established by administrative regulations promulgated by the  
27 board in accordance with KRS Chapter 13A.

1 (11) Notice in writing shall be given to the board by each licensee of any change of  
2 principal business location or residence address within ten (10) days of the change,  
3 and the board shall issue an updated license for the unexpired period. The board  
4 may fine, suspend, or revoke the license of a licensee who does not notify the board  
5 of a change of address within ten (10) days. Changing a business or a residence  
6 address on its records shall entitle the board to collect a fee established by  
7 administrative regulations promulgated by the board in accordance with KRS  
8 Chapter 13A.

9 ➔Section 179. KRS 330.110 is amended to read as follows:

10 The board may suspend for a period up to five (5) years or revoke the license of any  
11 licensee, or levy fines not to exceed two thousand dollars (\$2,000), with a maximum fine  
12 of five thousand dollars (\$5,000) per year arising from any single incident or complaint,  
13 against any licensee, or place any licensee on probation for a period of up to five (5)  
14 years, or require successful passage of any examination administered by the board, or  
15 require successful completion of any course of auction study or auction seminars  
16 designated by the board, or issue a formal reprimand, or order any combination of the  
17 above, for violation of this chapter~~[by any licensee of any of the provisions of this~~  
18 ~~chapter]~~, or for any of the following causes:

- 19 (1) Obtaining a license through false or fraudulent representation;
- 20 (2) Making any substantial misrepresentation;
- 21 (3) Pursuing a continued and flagrant course of misrepresentation or intentionally  
22 making false promises or disseminating misleading information through agents or  
23 advertising or otherwise;
- 24 (4) Accepting valuable consideration as an apprentice auctioneer for the performance of  
25 any of the acts specified in this chapter, from any person, except his or her principal  
26 auctioneer;
- 27 (5) Failing to account for or remit, within a reasonable time, any money belonging to

- 1 others that comes into the licensee's possession, commingling funds of others with  
2 the licensee's own funds, or failing to keep the funds of others in an escrow or  
3 trustee account;
- 4 (6) Paying valuable consideration to any person for services performed in violation of  
5 this chapter, or procuring, permitting, aiding, or abetting any unlicensed person  
6 acting in violation~~[of any of the provisions]~~ of this chapter;
- 7 (7) Entering a plea of guilty, an Alford plea, a plea of no contest to, or being convicted  
8 of, any felony, and the time for appeal has passed or the judgment of conviction has  
9 been finally affirmed on appeal;
- 10 (8) Violation~~[of any provision]~~ of this chapter or any administrative regulation  
11 promulgated by the board;
- 12 (9) Failure to furnish voluntarily at the time of execution, copies of all written  
13 instruments prepared by any licensee to each signatory of the written instrument;
- 14 (10) Any conduct of a licensee which demonstrates bad faith, dishonesty, incompetence,  
15 or untruthfulness;
- 16 (11) Any other conduct that constitutes improper, fraudulent, dishonest, or negligent  
17 dealings;
- 18 (12) Failure to enter into a binding written auction listing contract with the seller or with  
19 the seller's duly authorized agent prior to advertising, promoting, or offering any  
20 real or personal property by or at auction;
- 21 (13) Failure to provide a receipt to all persons consigning personal property with any  
22 licensee for auction;
- 23 (14) Failure to establish and maintain, for a minimum of five (5) years from final  
24 settlement, complete and correct written or electronic records and accounts of all  
25 auction transactions, including:
- 26 (a) Listing contracts, including the name and address of the seller;
- 27 (b) Written purchase contracts;

- 1 (c) Descriptive inventory and final bid amounts of all items or lots offered;
- 2 (d) Buyer registration records; and
- 3 (e) Settlement records, including all moneys received and disbursed and escrow
- 4 account activity;
- 5 (15) Failure of any licensee to present any auction-related information, including but not
- 6 limited to advertisements, listing contracts, purchase contracts, clerking records,
- 7 buyer registration records, settlement records, escrow account information, license,
- 8 or any other auction-related information, subsequent to a request by the board's
- 9 administrative coordinator~~[executive director]~~, a board compliance officer, or
- 10 board counsel; or
- 11 (16) Failure of a principal auctioneer to provide supervision to his or her apprentice
- 12 auctioneers.
- 13 ➔Section 180. KRS 330.192 is amended to read as follows:
- 14 (1) (a) There is hereby created and established in the State Treasury the auctioneer's
- 15 education, research, and recovery fund.
- 16 (b) In addition to the license fees established in KRS 330.070, and KRS 330.095,
- 17 the board may assess each licensee a renewal recovery fee established by
- 18 administrative regulations promulgated by the board in accordance with KRS
- 19 Chapter 13A. Each initial applicant shall pay an initial recovery fee
- 20 established by administrative regulations promulgated by the board in
- 21 accordance with KRS Chapter 13A.
- 22 (2) The purposes of the auctioneer's education, research, and recovery fund shall be as
- 23 follows:
- 24 (a) When a licensee has been duly found guilty of violating one (1) or more of the
- 25 provisions of this chapter, or one (1) or more of the administrative regulations
- 26 duly promulgated by the board, and upon the conclusion of a final order
- 27 entered by the board or by the courts, if appealed, the board is authorized to

1 pay to the aggrieved party an amount not to exceed fifty thousand dollars  
2 (\$50,000) against any one (1) licensee, if the licensee has refused to pay the  
3 claim within twenty (20) days of entry of a final order and provided further  
4 that the amount or amounts of money in question are certain and liquidated.

5 (b) The board shall maintain a minimum of two hundred fifty thousand dollars  
6 (\$250,000) for recovery and guaranty purposes. These funds may be invested  
7 and reinvested in the same manner as funds of the State Employees'  
8 Retirement System and the interest from said investments shall be deposited  
9 to the credit of the research and recovery fund, or, in the discretion of the  
10 board, to the agency fund account as set out in subsection (5) of Section 177  
11 of this Act~~[KRS 330.050(6)]~~. Sufficient liquidity, however, shall be  
12 maintained so that money is available to satisfy all claims which may be  
13 processed through the board by means of administrative hearing as outlined in  
14 this chapter.

15 (c) The board may use funds in excess of two hundred fifty thousand dollars  
16 (\$250,000), whether from the auctioneer's education, research, and recovery  
17 fund fees or accrued interest thereon, for any of the following purposes:

- 18 1. To advance education and research in the auction field for the benefit of  
19 those seeking an auctioneer license, those licensed under~~[the provisions~~  
20 ~~of]~~ this chapter and to improve and make more efficient the auction  
21 industry;
- 22 2. To underwrite educational seminars, caravans, and other forms of  
23 educational projects for the general benefit of licensees;
- 24 3. To establish an auction chair or courses at Kentucky state institutions of  
25 higher learning for the purpose of making college or university level  
26 courses available to licensees and the general public;
- 27 4. To contract for a particular research project in the auction field for the

1 Commonwealth of Kentucky;

2 5. To sponsor, contract for, and to underwrite all other educational and  
3 research projects that contribute to the advancement of the auction field  
4 in Kentucky;

5 6. To cooperate with associations of auctioneers and any other groups for  
6 the enlightenment and advancement of Kentucky licensees;

7 7. To increase the level of the auctioneer's education, research, and  
8 recovery fund above two hundred fifty thousand dollars (\$250,000); and

9 8. To augment the regular trust and agency account of the board for  
10 purposes of addressing cash flow shortfalls, budget deficits, and for  
11 reimbursement of ~~personnel,~~ administrative, operational, and capital  
12 expenses incurred by the trust and agency account pursuant to the  
13 purposes of the education, research, and recovery fund as provided in  
14 this section, an amount not to exceed two hundred fifty thousand dollars  
15 (\$250,000) annually.

16 (d) Within one hundred twenty (120) days after the end of each fiscal year, the  
17 board shall make public, through its Web site or other public media, a  
18 statement of income and expenses of the auctioneer's education, research, and  
19 recovery fund, the details of which are in accordance with state financial  
20 reporting requirements.

21 (3) (a) If a licensee is found guilty of one (1) or more provisions of this chapter or of  
22 violating one (1) or more of the administrative regulations of the board, and if  
23 the amount of the money lost by the aggrieved party or parties is in dispute or  
24 cannot be determined accurately, then the amount of damages shall be  
25 determined by the Circuit Court in the county where the alleged violation took  
26 place, provided that the board has previously determined that a violation of  
27 the license laws or of the administrative regulations has occurred and a final

1 order has been entered.

2 (b) If an order has been entered and the license rights of the licensee have been  
3 finally adjudicated, then the local Circuit Court shall determine the monetary  
4 damages due from the aforesaid violation or violations.

5 (c) When a final order has been entered by the Circuit Court, Court of Appeals, or  
6 Supreme Court, and upon certification to the board, the aggrieved party or  
7 parties shall be paid an amount not to exceed fifty thousand dollars (\$50,000)  
8 by the board, and the license held by the licensee against whom the claim was  
9 made by the aggrieved party shall be suspended at least until the licensee has  
10 reimbursed the auctioneer's education, research, and recovery fund for all  
11 amounts paid to the aggrieved party due to the violation of the licensee.

12 (d) When, upon the final order of the court, the board has paid from the  
13 auctioneer's education, research, and recovery fund any sum to the aggrieved  
14 party, the board shall be subrogated to all of the rights of the aggrieved party  
15 to the extent of the payment and the aggrieved party shall, to the extent of the  
16 payment, assign his or her right, title, and interest in the judgment to the  
17 board.

18 (e) All claims for monetary damages or relief from the auctioneer's education,  
19 research, and recovery fund shall be made in writing and submitted to the  
20 board within twelve (12) months of the act of the auctioneer giving rise to the  
21 loss. Failure to file a claim within the twelve (12) month period shall bar the  
22 claim. Additional evidence shall be submitted by the claimant if required by  
23 the board.

24 (f) Notwithstanding any other provisions of this chapter, no unreimbursed  
25 amount greater than fifty thousand dollars (\$50,000) shall be paid by the board  
26 on account of any one (1) licensee, no matter over how long a time, or for how  
27 many claims, and no matter ~~what~~ the number of claimants ~~be~~ or the size of

1           ~~the[such]~~ claims, individually or in the aggregate. Should the licensee  
2           reimburse the fund for all amounts paid, then future claims timely filed with  
3           the board concerning different matters may be received pursuant to this  
4           section.

5           (g) No claims shall be approved under this section for amounts which, in the  
6           aggregate, exceed the maximum payable on account of any one (1) licensee in  
7           effect at the time of the act or acts of the licensee giving rise to the claims,  
8           except to the extent of ~~that[said]~~ maximum. Statutory increases in the  
9           maximum set out in this section do not apply retroactively.

10          (4) All categories of licensees under this chapter are covered under the provisions of  
11          this section for the benefit and protection of the public.

12          (5) This section is not intended to substitute for, circumvent, or duplicate other  
13          remedies existing at law or otherwise for claimants or potential claimants, but  
14          constitutes a last resort for aggrieved persons who would not, but for the provisions  
15          of this section, be able to recover their losses by any other means available. The  
16          board shall have full discretion to require that claimants exhaust all other remedies  
17          prior to proceeding under this section, including but not limited to the remedy of  
18          obtaining a judgment by all diligent and appropriate means.

19          ➔Section 181. KRS 334.080 is amended to read as follows:

20          (1) Upon payment of a fee, established by the board by promulgation of an  
21          administrative regulation, the board shall register each applicant who satisfactorily  
22          passes the examination. Thereupon the board shall issue to the applicant a license.  
23          The license shall be effective for two (2) years~~one (1) year~~.

24          (2) Whenever the board determines that another state or jurisdiction has requirements  
25          equivalent to or higher than those in effect pursuant to this chapter for practice of  
26          selling or fitting of hearing instruments, and that the other~~such~~ state or  
27          jurisdiction has a program equivalent to or stricter than the program for determining

1 whether applicants pursuant to this chapter are qualified to sell or fit hearing  
2 instruments, the board may issue a license to those applicants who hold current,  
3 unsuspended, and unrevoked licenses to sell or fit hearing instruments in ~~the~~[such]  
4 other state or jurisdiction upon application and successful completion of  
5 examination. No applicant for a license pursuant to this subsection shall be required  
6 to submit to or undergo any training or other procedure, other than the payment of  
7 fees and examination pursuant to KRS 334.050 to 334.070. The holder of a license  
8 issued under this subsection shall be registered in the same manner as holders of  
9 initial licenses. The fee for licenses issued under this subsection shall be the same as  
10 the fee for an initial license. Fees, grounds, and procedures for renewal, suspension,  
11 and revocation of licenses issued under this subsection shall be the same as for  
12 renewal, suspension, and revocation of initial licenses.

13 (3) Any applicant holding a master's degree in audiology licensed under KRS Chapter  
14 334A or holding at least a master's degree from a recognized college or university  
15 and having the certification of clinical competence in audiology from the American  
16 Speech-Language-Hearing Association shall not be required to submit to or undergo  
17 any training or other procedures other than the payment of fees and successful  
18 completion of examination pursuant to KRS 334.050 to 334.070. Fees, grounds, and  
19 procedures for renewal, suspension, and revocation of license issued under this  
20 subsection shall be the same as for renewal, suspension, and revocation of initial  
21 licenses.

22 ➔Section 182. KRS 334.110 is amended to read as follows:

23 Each person who engages in the selling or fitting of hearing instruments shall  
24 ~~biennially~~[annually], on or before January 30 ***of the second year***, pay to the board a fee to  
25 be established by the board by the promulgation of an administrative regulation for a  
26 renewal of his ***or her*** license. Where more than one (1) office is operated by the licensee,  
27 duplicate certificates shall be issued by the board for posting in each location. A thirty

1 (30) day grace period shall be allowed after January 30 of the renewal year, when~~[during~~  
 2 ~~which time]~~ licenses may be renewed on payment of a late fee and penalty to be  
 3 established by the board by the promulgation of an administrative regulation. The board  
 4 may suspend the license of any person who fails to renew his or her license before the  
 5 expiration of the thirty (30) day grace period. After the expiration of the grace period, the  
 6 board may~~[in its discretion]~~ renew the license upon the payment of an additional fee to  
 7 be established by the board by the promulgation of an administrative regulation. No  
 8 person who applies for renewal, whose license has expired, shall be required to submit to  
 9 any examination as a condition to renewal, if the renewal application is made within two  
 10 (2) years from the date of expiration.

11 ➔Section 183. KRS 334.120 is amended to read as follows:

12 (1) Complaints against licensed persons shall be handled by the board in the following  
 13 manner:

14 (a) Any person desiring to make a complaint against a licensee under this chapter  
 15 shall reduce the complaint to writing and file it with the board.

16 (b) The board may conduct an investigation into any complaint which the board  
 17 feels may constitute a violation of this chapter or the administrative  
 18 regulations promulgated under this chapter~~[thereunder]~~.

19 (c) The board may require that the licensee file a statement or report in writing as  
 20 to the facts and circumstances concerning the complaint together with other  
 21 information, material, or~~[data]~~ reasonably related data~~[thereto]~~.

22 ~~[(d) The board may request the assistance of the Attorney General in connection~~  
 23 ~~with an investigation.~~

24 ~~(e) The board may employ the services of a hearing officer to conduct hearings,~~  
 25 ~~prehearing conferences, advise the board as to legal matters, and provide other~~  
 26 ~~legal services deemed appropriate by the board.]~~

27 (2) If the board determines the charges made in the complaint are sufficient to warrant a

1 hearing to determine whether the license issued under this chapter shall be  
2 suspended, revoked, or subject to reprimand or fine, it shall conduct a hearing in  
3 accordance with KRS Chapter 13B.

4 (3) The provisions of this chapter shall in no way limit the jurisdiction and authority of  
5 the Attorney General to take any necessary action under the Kentucky Consumer  
6 Protection Act, KRS 367.110 to 367.300.

7 (4) The board may suspend, revoke, or levy a fine not to exceed one thousand dollars  
8 (\$1,000), refuse to issue or renew any license for a fixed period of time, place on  
9 probation, issue a written reprimand to a licensee, or any combination **of these**  
10 **actions**~~thereof~~, based on a finding of the board after hearing that a person licensed  
11 under~~the provisions of~~ this chapter has committed any of the following acts:

12 (a) Change of personal name, corporate name, charter, entity, or partnership name  
13 or composition to avoid the imposition of liens or court action;

14 (b) The conviction of a felony, or a misdemeanor, if in accordance with KRS  
15 Chapter 335B. The record of conviction, or a copy **of this record**~~thereof~~,  
16 certified by the clerk of the court or by the judge in whose court the conviction  
17 is had, shall be conclusive evidence of that conviction;

18 (c) Procuring of license by fraud or deceit practiced upon the board;

19 (d) Unethical conduct as defined by the board by promulgation of an  
20 administrative regulation;

21 (e) Engaging in any unfair, false, misleading, or deceptive act or practice;

22 (f) Incompetence or negligence in the practice of selling or fitting hearing  
23 instruments; or

24 (g) Violating~~any provision of~~ this chapter or the administrative regulations  
25 promulgated **under this chapter**~~thereunder~~.

26 ➔Section 184. KRS 334.140 is amended to read as follows:

27 (1) There is created the Kentucky Licensing Board for Specialists in Hearing

1 Instruments.

2 (2) The board shall be composed of nine (9) members who shall be appointed by the  
3 Governor.~~[ Terms of office shall be at the Governor's discretion, not to exceed four  
4 years. All terms shall expire on July 31 of the designated year. Each member shall  
5 serve for the term of his appointment and until his successor has been appointed and  
6 qualified. If a vacancy occurs on the board, a new member shall be appointed to  
7 serve out the unexpired term. No member shall serve consecutive terms on the  
8 board. Upon recommendation of the board, the Governor may remove any member  
9 of the board for excessive absenteeism, neglect of duty, or malfeasance in office.]~~

10 (3) Five (5) members shall be specialists in hearing instruments licensed under KRS  
11 334.080. The appointees shall have at least five (5) years' relevant experience. The  
12 Governor shall consider nominations from the Hearing Aid Association of  
13 Kentucky. No two (2) members from the same place of business may serve on the  
14 board at the same time.

15 (4) One (1) member shall be a physician licensed to practice medicine in Kentucky and  
16 specializing in otology or otolaryngology.

17 (5) One (1) member shall be an audiologist holding at least a master's degree from a  
18 recognized college or university and having the certification of clinical competence  
19 in audiology from the American Speech-Language-Hearing Association and  
20 licensed under KRS Chapter 334A.

21 (6) One (1) member shall be a citizen at large who is not associated with or financially  
22 interested in the practice or business regulated.

23 (7) One (1) member shall be the secretary of the Cabinet for Health and Family  
24 Services or the secretary's~~[his]~~ designee.

25 ~~[(8) Five (5) members of the nine (9) members of the board, when properly convened,  
26 may conduct the business of the board.]~~

27 ➔Section 185. KRS 334.150 is amended to read as follows:

1 The powers and duties of the board shall be as follows:

2 (1) To authorize all disbursements necessary to carry out ~~provisions of~~ this chapter.

3 (2) To prepare and administer qualifying examinations to test the knowledge and  
4 proficiency of applicants for licensing.

5 (3) To license persons who apply to the board and who are qualified to practice the  
6 fitting of hearing instruments.

7 (4) To purchase and maintain or rent audiometric equipment and facilities necessary to  
8 carry out the examination of applicants for licensing.

9 (5) To issue and renew licenses.

10 (6) To suspend, revoke, refuse to issue, or renew licenses, impose probationary or  
11 supervisory conditions, issue letters of reprimand, or levy fines against a licensee, or  
12 any combination ***of these actions*** ~~thereof~~.

13 (7) To appoint representatives to conduct or supervise the examination of applicants for  
14 licensing.

15 (8) To designate the time and place for examining applicants.

16 (9) To promulgate administrative regulations consistent with the laws of this  
17 Commonwealth which are necessary to carry out ~~the provisions of~~ this chapter.

18 (10) To require the periodic inspection of audiometric testing equipment and to carry out  
19 the periodic inspection of facilities of persons who practice the fitting of hearing  
20 instruments.

21 ~~(11) To employ secretaries, attorneys, inspectors, clerks, or any other employees that the  
22 board may deem necessary to carry out the provisions of this chapter. The board  
23 may employ or discharge at its discretion.~~

24 ~~(12)~~ To initiate a formal educational program consistent with the intent of this chapter in  
25 that the consumer public shall be served by the specialist in hearing instruments  
26 trained in the latest technology in fitting hearing instruments.

27 (12)~~(13)~~ To promulgate administrative regulations establishing requirements and

1 standards for continuing education.

2 ~~(13)~~~~(14)~~ To administer oaths and to require the attendance of witnesses, the production  
3 of books, records, and papers pertinent to any matters coming before the board by  
4 the issuance of process which shall be served and returned in the same manner as in  
5 civil actions and for the disobedience of which the board shall have by resort to a  
6 court of competent jurisdiction the power to invoke the same rights as are provided  
7 in the event of disobedience of a subpoena or subpoena duces tecum in a civil  
8 action.

9 ➔Section 186. KRS 334.160 is amended to read as follows:

10 ~~[(1) The board shall meet at least once a year at times and places to be designated by the~~  
11 ~~board and upon such notice as the board may prescribe. At its first meeting each~~  
12 ~~calendar year, the board shall elect a chairman, vice chairman, and secretary-~~  
13 ~~treasurer, each to serve in his respective capacity for one (1) year.~~

14 ~~(2) ]~~Fees, charges, and other moneys collected by the board shall be paid into the State  
15 Treasury and credited to a trust and agency fund to be used to pay expenses in  
16 administering this chapter. All moneys shall be received, disbursed, and accounted for by  
17 the board or its designee. All moneys not expended by the board to pay expenses in  
18 administering this chapter shall be retained by the board from year to year to be expended  
19 for the purposes expressed in this chapter.

20 ~~[(3) Each member of the board shall be paid a reasonable sum, not to exceed one~~  
21 ~~hundred dollars (\$100) per day, for each day of actual service on the board and shall~~  
22 ~~be reimbursed all reasonable and necessary travel expenses.]~~

23 ➔Section 187. KRS 334A.070 is amended to read as follows:

24 (1) There is hereby created a Board of Speech-Language Pathology and Audiology  
25 which shall consist of eight (8) members to be appointed by the Governor. Three (3)  
26 members shall be audiologists, three (3) members shall be speech-language  
27 pathologists, one (1) shall be an otolaryngologist, and one (1) member shall be a

1 citizen at large who is not associated with or financially interested in the practice or  
 2 business regulated. The audiologists and speech-language pathologists members  
 3 shall hold a Kentucky license from the board of speech-language pathology and  
 4 audiology and shall practice in Kentucky. One (1) of the speech-language  
 5 pathologist members shall be employed in the public schools of the  
 6 Commonwealth. ~~The members of the board shall serve until the expiration of the~~  
 7 ~~term for which they have been appointed or until their successors are qualified. All~~  
 8 ~~appointments made shall be for a term of three (3) years except for appointments to~~  
 9 ~~fill vacancies caused by a reason other than the expiration of a member's term which~~  
 10 ~~shall be filled for the remaining portion of the member's term. No person shall be~~  
 11 ~~appointed to serve more than two (2) consecutive terms.]~~

12 (2)  ~~The board shall reorganize annually and select a chairman. Four (4) members of~~  
 13 ~~the board shall constitute a quorum to do business. ]~~The board shall hold at least  
 14 two (2)~~one (1)]~~ regular meetings~~meeting]~~ each year. Additional meetings may be  
 15 held upon call of the chairman or at the written request of any two (2) members of  
 16 the board. All meetings of the board shall be open and public.

17 ➔Section 188. KRS 334A.120 is amended to read as follows:

18 All moneys received by the board under this chapter shall be paid to the secretary of the  
 19 board. All money shall be deposited in the State Treasury into a separate trust fund for the  
 20 board. The board shall be financed solely and individually from income accruing to it  
 21 from fees, licenses, and other charges collected by the board and all such moneys are  
 22 hereby appropriated to the board. All ~~salaries and~~ expenses shall be paid as budgeted  
 23 after budgets have been approved by the State Budget Commission or within the  
 24 limitations of any appropriation for that purpose which may be included in the executive  
 25 branch budget bill.

26 ➔Section 189. KRS 335.050 is amended to read as follows:

27 ~~{(1)}~~ There is hereby created the Kentucky Board of Social Work, consisting of seven

1 (7) members appointed by the Governor. One (1) member shall be a certified social  
2 worker under~~[the provisions of]~~ KRS 335.010 to 335.160 and 335.990. One (1) member  
3 shall be a licensed social worker under~~[the provisions of]~~ KRS 335.010 to 335.160 and  
4 335.990. One (1) member shall be a licensed clinical social worker licensed under~~[the~~  
5 ~~provisions of]~~ KRS 335.010 to 335.160 and 335.990. Three (3) members shall be persons  
6 licensed by the board at any level, at the discretion of the Governor. One (1) member  
7 shall be a citizen at large who is not associated with or financially interested in the  
8 practice or business regulated. With the exception of the citizen at large, each member  
9 shall be appointed from a list of names of qualified persons submitted by any interested  
10 parties. The Governor may request the submission of additional names.

11 ~~[(2) Members of the board shall be appointed for terms of four (4) years, except~~  
12 ~~appointments to fill vacancies caused by a reason other than the expiration of a~~  
13 ~~member's term. A member shall not serve more than two (2) consecutive full terms.~~  
14 ~~A member currently serving on the board who has served more than two (2)~~  
15 ~~consecutive full terms shall be replaced by the Governor in a timely manner. Upon~~  
16 ~~recommendation of the board, made after notice and hearing, the Governor may~~  
17 ~~remove any member of the board for incompetence, neglect of duty, or malfeasance~~  
18 ~~in office.~~

19 ~~(3) All vacancies shall be filled by the Governor.~~

20 ~~(4) The board shall organize upon appointment and qualification of its members, and~~  
21 ~~shall elect annually from its membership a chairman, vice chairman, and a secretary.~~  
22 ~~The board shall meet as frequently as it deems necessary, but not less than two (2)~~  
23 ~~times each year, at such times and places as the board designates. Additional~~  
24 ~~meetings may be held upon call of the chairman or upon the written request of two~~  
25 ~~(2) members of the board. Four (4) members of the board shall constitute a~~  
26 ~~quorum.]~~

27 ➔Section 190. KRS 335.070 is amended to read as follows:

- 1 (1) (a) The board shall administer and enforce ~~the provisions of~~ KRS 335.010 to  
2 335.160 and KRS 335.990, and shall evaluate applications and issue licenses  
3 to qualified applicants within fifteen (15)~~forty five (45)~~ days of submission  
4 of the complete application packet and receipt of the official passing score  
5 report and the licensure fee.
- 6 (b) Within fifteen (15) days of accepting an applicant's payment and application  
7 packet, the board shall:
- 8 1. Notify the applicant that the application packet is complete, approve the  
9 applicant to sit for the national examination, and issue a temporary  
10 permit to engage in the practice of social work; or
- 11 2. Notify the applicant that the application packet is incomplete and, when  
12 all omitted application items are received, notify the applicant of receipt  
13 of the complete application packet, approve the applicant to sit for the  
14 national examination, and issue a temporary permit to engage in the  
15 practice of social work.
- 16 (c) The board shall evaluate the complete application packet and, within fifteen  
17 (15)~~forty five (45)~~ days, notify a qualified applicant of the issuance of the  
18 permanent license pursuant to KRS 335.080, 335.090, or 335.100.
- 19 (d) If the board deems an applicant unqualified, the license may be denied and the  
20 temporary permit to practice social work may be revoked.
- 21 (e) In order to be issued a temporary permit, an applicant shall have submitted:
- 22 1. A complete application packet as provided in this subsection, with the  
23 exception of a passing score on the required examination; and
- 24 2. If applying for licensure as a certified social worker or as a licensed  
25 clinical social worker, a letter from a licensed clinical social worker, or  
26 equivalent, who will supervise the applicant while under temporary  
27 permit in accordance with administrative regulations.

- 1 (2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees,  
2 administer oaths, and investigate allegations of practices violating the provision of  
3 KRS 335.010 to 335.160 and KRS 335.990.
- 4 (3) The board may promulgate administrative regulations pursuant to KRS Chapter  
5 13A to carry out~~the provisions of~~ KRS 335.010 to 335.160 and KRS 335.990.
- 6 (4) The board may conduct hearings pursuant to KRS Chapter 13B and keep records  
7 and minutes necessary to carry out the functions of KRS 335.010 to 335.160 and  
8 KRS 335.990.
- 9 ~~(5) The board may employ any other persons it deems necessary to carry on the work of  
10 the board, and shall define their duties and fix their compensation.~~
- 11 ~~(6)~~ (6) The board may renew licenses and require continuing education as a condition for  
12 license renewals, and shall authorize organizations to provide continuing education  
13 programs, including but not limited to:
- 14 (a) Schools of social work accredited by the Council on Social Work Education;  
15 (b) The National Association of Social Workers-Kentucky Chapter; and  
16 (c) The Kentucky Society of Clinical Social Workers.
- 17 ~~(6)~~(7) (7) The board may, after a hearing conducted in accordance with KRS Chapter  
18 13B, revoke, suspend, or refuse to issue or renew; impose probationary or  
19 supervisory conditions upon; impose administrative fines; issue written reprimands  
20 and admonishments; or any combination of actions regarding licenses and licensees.
- 21 ~~(7)~~(8) (8) The board may seek injunctive relief in Franklin Circuit Court to stop the  
22 unlawful practice of social work by unlicensed persons.
- 23 ~~(8)~~(9) (9) The board may establish, by promulgation of administrative regulations, the  
24 requirements for temporary permits to practice social work.
- 25 ~~(9)~~(10) (10) The board may enter into agreements with any organization for the creation  
26 and implementation of a social work impairment program, as specified in the  
27 agreement.

1 ~~(10)~~~~(11)~~ The board shall refund any levied administrative assessments that it has  
2 received for practice by unlicensed individuals employed by organizations  
3 exempted from the application of KRS 335.010 to 335.160 and 335.990 by KRS  
4 335.010(5).

5 ➔Section 191. KRS 335.305 is amended to read as follows:

- 6 (1) Except as provided in ~~KRS 335.307 and~~ subsection (2) of this section:
- 7 (a) No person shall use the title "licensed marriage and family therapist,"  
8 "LMFT," or a title which is substantially the same, or hold himself or herself  
9 out as having this status, unless licensed by the board.
- 10 (b) No person shall use the title "marriage and family therapy associate" or hold  
11 himself or herself out as having this status, unless holding a permit issued by  
12 the board.
- 13 (2) ~~The provisions of~~ KRS 335.300 to 335.399 shall not apply to persons licensed,  
14 certified, or registered under any other provision of the Kentucky Revised Statutes,  
15 including, but not limited to, physicians, social workers, psychologists, art  
16 therapists, and nurses, or students within accredited training programs of these  
17 professions. Nothing in KRS 335.300 to 335.399 shall be construed to limit,  
18 interfere with, or restrict the practice, descriptions of services, or manner in which  
19 these persons hold themselves out to the public.
- 20 (3) Nothing in KRS 335.300 to 335.399 shall be construed to alter, amend, or interfere  
21 with the practice of employment counseling, job placement counseling, or school  
22 counseling.
- 23 (4) Nothing in KRS 335.300 to 335.399 shall be construed to apply to the activities and  
24 services of a student intern or trainee in marriage and family therapy who is  
25 pursuing a program of studies in marriage and family therapy at an accredited  
26 institution of higher learning if these activities are performed under the supervision  
27 and constitute a part of the supervised program of study, and if the person is

1 designated a counseling intern, a marriage and family therapist intern, or student in  
2 training.

3 ➔Section 192. KRS 335.310 is amended to read as follows:

4 ~~[(1)]~~There is created the Kentucky Board of Licensure of Marriage and Family  
5 Therapists, which~~[. Effective January 1, 1999, it]~~ shall be composed of seven (7)  
6 members. Six (6) members shall be licensed marriage and family therapists. One (1)  
7 member shall be a citizen-at-large who is not associated with or financially interested in  
8 the practice or business of marriage and family therapy. All members shall be appointed  
9 by the Governor from a list of names of qualified persons submitted by any interested  
10 parties. The Governor may request the submission of additional names.~~[Each member of~~  
11 ~~the board shall serve for a term of four (4) years.~~

12 ~~(2) All reappointments to the board and vacancies on the board shall be filled by the~~  
13 ~~Governor as described in subsection (1) of this section.~~

14 ~~(3) Each member of the board shall receive one hundred dollars (\$100) per day for each~~  
15 ~~day spent performing official duties as a board member and reimbursement for~~  
16 ~~actual and necessary expenses incurred in carrying out official duties.~~

17 ~~(4) The board shall annually elect a chair, a vice chair, and a secretary-treasurer.~~

18 ~~(5) The board shall hold at least two (2) meetings annually and additional meetings as~~  
19 ~~the board may deem necessary. The additional meetings may be held upon call of~~  
20 ~~the chairperson or upon written request of two (2) board members. Four (4) board~~  
21 ~~members shall constitute a quorum.~~

22 ~~(6) Upon recommendation of the board, the Governor may remove any board member~~  
23 ~~for a poor attendance record, neglect of duty, or malfeasance in office.~~

24 ~~(7) No board member shall serve more than two (2) consecutive full terms. A person~~  
25 ~~who has previously served two (2) consecutive terms may be reappointed to the~~  
26 ~~board if that person has not served in the preceding four (4) years.]~~

27 ➔Section 193. KRS 335.320 is amended to read as follows:

1 The board shall:

- 2 (1) Administer and enforce ~~the provisions of~~ this chapter and shall evaluate the  
3 qualifications of license and permit applicants;
- 4 (2) Approve the examination required of applicants for licensure, provide for the  
5 administration and grading of the examination, and provide for other matters  
6 relating to licensure in the profession of marriage and family therapy;
- 7 (3) Review the credentials of licensees to determine if they are eligible for license  
8 renewal and have paid the fee provided for in KRS 335.340;
- 9 (4) License the marriage and family therapist applicants who satisfy the experience and  
10 educational requirements of KRS 335.330 and have paid the fee provided for in  
11 KRS 335.330;
- 12 (5) Review and approve contracts between marriage and family therapy associates and  
13 approved supervisors for their supervision of practice during the qualifying term;
- 14 (6) Issue permits to marriage and family therapy associate applicants who satisfy the  
15 requirements of KRS 335.332;
- 16 (7) Adopt a code of ethics for licensed marriage and family therapists and marriage and  
17 family therapy associates;
- 18 (8) Submit an annual report to the Governor and to the Legislative Research  
19 Commission by September~~January~~ 1 of each year, listing all hearings conducted  
20 by the board and any decisions rendered; and
- 21 (9) Promulgate administrative regulations, in accordance with KRS Chapter 13A, to  
22 implement the purpose and scope of KRS 335.300 to 335.399.

23 ➔Section 194. KRS 335.325 is amended to read as follows:

24 The board may:

- 25 (1)~~Employ needed personnel;~~
- 26 (2) Issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths,  
27 and investigate allegations of practices violating the provisions of this chapter;

- 1 ~~(2)~~~~(3)~~ Seek injunctive relief in Franklin Circuit Court to stop the unlawful practice  
2 of marriage and family therapy by unlicensed persons;
- 3 ~~(3)~~~~(4)~~ Conduct hearings pursuant to KRS Chapter 13B and keep records and minutes  
4 necessary to carry out the functions of this chapter;
- 5 ~~(4)~~~~(5)~~ Suspend or revoke licenses or permits or impose supervisory or probationary  
6 conditions upon licensees or permit holders, or impose administrative disciplinary  
7 fines, issue written reprimands or admonishments, or any combination ***of these***  
8 ***actions***~~[thereof]~~;
- 9 ~~(5)~~~~(6)~~ Grant retired or inactive licensure status under conditions set forth by the  
10 board by the promulgation of administrative regulations;
- 11 ~~(6)~~~~(7)~~ Enter into reciprocal agreements with boards of marriage and family therapy  
12 in other states having licensure qualifications and requirements that meet or exceed  
13 those provided in this chapter; ***and***
- 14 ~~(7)~~~~(8)~~ ~~Organize itself into two (2) panels to separate the functions of inquiry and~~  
15 ~~hearings. Each panel shall have the power to act as either an inquiry or hearing~~  
16 ~~panel. No member serving on the inquiry panel shall serve on the hearing panel for~~  
17 ~~any one particular case. Any final decision of the hearing panel shall be considered~~  
18 ~~as the final decision of the board and the hearing panel may exercise all powers~~  
19 ~~granted to the board pursuant to KRS Chapter 13B; and~~
- 20 ~~(9)~~ Utilize mediation as a technique to resolve disciplinary matters.
- 21 ➔Section 195. KRS 335.340 is amended to read as follows:
- 22 (1) ***An initial biennial license***~~[Licensure]~~ issued under KRS 335.330 shall be renewed  
23 ***biennially***~~[annually]~~ upon payment of a fee to be established by administrative  
24 regulation promulgated by the board not to exceed one hundred fifty dollars (\$150)  
25 ***per year.***
- 26 ~~(2)~~~~On January 1, 1999, all persons authorized to use the title "certified marriage and~~  
27 ~~family therapist" shall be deemed "licensed marriage and family therapists" until the~~

1 ~~date of their second annual license renewal. As of that date, each formerly certified~~  
2 ~~licensee seeking license renewal shall provide the board with verification of~~  
3 ~~education or experience relating to psychopathology, as determined by~~  
4 ~~administrative regulations promulgated by the board, to include:~~

5 ~~(a) Coursework in psychopathology;~~

6 ~~(b) Supervised experience with a focus on diagnosis; or~~

7 ~~(c) Completion of equivalent continuing education units relating to~~  
8 ~~psychopathology.~~

9 ~~— This subsection shall not apply to license renewals for those persons also licensed~~  
10 ~~or certified by another mental health profession which authorizes diagnosis within~~  
11 ~~its scope of practice.~~

12 ~~(3)}~~ A ninety (90) day grace period shall be granted during which time licensees may  
13 continue to practice and may renew their licenses upon payment of the renewal fee  
14 plus a late renewal fee as promulgated by administrative regulation of the board.  
15 Any license not renewed during this period shall expire. The board may reinstate an  
16 expired license within three (3) years of its expiration date upon payment of the  
17 renewal fee and satisfaction of other requirements.

18 ~~(3)}~~~~(4)}~~ A suspended license is subject to expiration and termination and shall be  
19 renewed as provided in this chapter. Renewal shall not entitle the licensee to engage  
20 in the practice of marriage and family therapy until the suspension has ended, or is  
21 otherwise removed by the board and the right to practice is restored by the board.

22 ~~(4)}~~~~(5)}~~ A revoked license is subject to expiration or termination but may not be  
23 renewed. If it is reinstated, the licensee shall pay the renewal fee as set forth in  
24 subsection (1) of this section.

25 ~~(5)}~~~~(6)}~~ A person who fails to reinstate his or her license within three (3) years of its  
26 termination may not have it renewed, restored, reissued, or reinstated. A person may  
27 apply for and obtain a new license by meeting the~~current~~ requirements of this

1 chapter.

2 ~~(6)~~~~(7)~~ The board shall require that a person applying for renewal or reinstatement of  
3 licensure show evidence of completion of continuing education as prescribed by the  
4 board by administrative regulations, not to exceed twenty (20) clock hours per  
5 ~~year~~~~[renewal period]~~.

6 ➔Section 196. KRS 335.342 is amended to read as follows:

- 7 (1) All fees and other moneys received by the board pursuant to~~[the provisions of]~~ this  
8 chapter shall be deposited in the State Treasury to the credit of a revolving fund for  
9 the use of the board.
- 10 (2) No part of this revolving fund shall revert to the general fund of this  
11 Commonwealth.
- 12 (3) The compensation of board members~~[and all of the board's employees]~~ and all  
13 expenses incurred by the board shall be paid from this revolving fund.

14 ➔Section 197. KRS 335.510 is amended to read as follows:

- 15 (1) The Kentucky Board of Licensed Professional Counselors is created and shall  
16 consist of seven (7) members who shall reside in the Commonwealth and be  
17 appointed by the Governor. One (1) of the members shall be a citizen at large and  
18 the remaining six (6) members shall be licensed professional clinical counselors.  
19 The licensed professional clinical counselor members on the board shall have been  
20 licensed as professional clinical counselors in the Commonwealth for at least two  
21 (2) years preceding their appointments. The citizen at large member shall not be  
22 associated with or have a relative who is associated with the practice or business of  
23 professional counseling. Neither the citizen at large nor ~~the citizen's~~~~[his]~~ relatives  
24 shall have a financial interest in the practice or business of professional counseling.
- 25 (2) All appointments and vacancies to the board shall be filled by the Governor.  
26 Subject to Section 16 of this Act, appointments and vacancies of counselor  
27 members shall be filled by the Governor from a list of three (3) names for each

1 position to be filled that is submitted by the Kentucky Mental Health Counseling  
2 Association~~[. Vacancies shall be filled for the remainder of the unexpired terms and~~  
3 ~~in the same manner as set out in this subsection].~~

4 ~~(3) The length of a term of board appointment shall be four (4) years. A board member~~  
5 ~~shall serve no more than two (2) consecutive terms.~~

6 ~~(4) The board shall elect a chair from its membership, and a chair shall be elected~~  
7 ~~annually but shall serve no more than two (2) consecutive one (1) year terms. Four~~  
8 ~~(4) members of the board shall constitute a quorum.~~

9 ~~(5)~~ The board shall hold two (2) meetings annually to give examinations pursuant to  
10 KRS 335.515 and may hold additional meetings as the board deems necessary. The  
11 additional meetings may be held upon call of the chair or upon the written request  
12 of three (3) or more board members.

13 ~~[(6) The Governor shall remove a member from the board, for cause only.~~

14 ~~(7) A member of the board who is a citizen at large shall be disqualified from his or her~~  
15 ~~seat on the board if:~~

16 ~~(a) He or she, a member of his or her household, or a relative becomes associated~~  
17 ~~with or financially interested in the business of professional counseling;~~

18 ~~(b) He or she, a member of his or her household, or a relative becomes, or is in~~  
19 ~~training to become, a licensed professional clinical counselor; or~~

20 ~~(c) He or she ceases to reside in the Commonwealth.~~

21 ~~(8) A counselor member of the board shall be disqualified from his seat on the board if:~~

22 ~~(a) He or she has been determined by the board or a court to have violated the~~  
23 ~~code of professional ethics or practice standards established pursuant to KRS~~  
24 ~~335.500 to 335.599;~~

25 ~~(b) He or she ceases to be a licensed professional clinical counselor; or~~

26 ~~(c) He or she ceases to reside in the Commonwealth.~~

27 ~~(9) Each board member shall receive one hundred dollars (\$100) per day for each day~~

1 of service actually given in carrying out his duties under KRS 335.500 to 335.599,  
2 and shall also be reimbursed the necessary traveling, hotel, and contingent expenses  
3 incurred in attending the meetings of the board and in performing the duties of the  
4 board.]

5 ➔Section 198. KRS 335.515 is amended to read as follows:

- 6 (1) The board shall administer and enforce~~[the provisions of]~~ KRS 335.500 to 335.599  
7 and shall evaluate the qualifications of applicants for licensure.
- 8 (2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees,  
9 administer oaths, and investigate allegations of practices violating~~[the provisions~~  
10 ~~of]~~ KRS 335.500 to 335.599.
- 11 (3) The board shall promulgate administrative regulations pursuant to KRS Chapter  
12 13A as necessary to carry out and enforce~~[the provisions of]~~ KRS 335.500 to  
13 335.599, including the establishment of fees.
- 14 (4) The board shall conduct hearings as necessary pursuant to KRS Chapter 13B and  
15 shall keep records and minutes necessary to carry out the function of KRS 335.500  
16 to 335.599.
- 17 (5) The board shall issue **two (2) year** credentials to qualified candidates.
- 18 (6) The board shall renew credentials **for two (2) years** subject to the provisions of  
19 KRS 335.535 and shall require ten (10) continuing education hours **per year** as a  
20 condition for renewal~~[each year]~~.
- 21 (7) The board may suspend or revoke credentials, impose supervisory or probationary  
22 conditions upon certificate holders, impose administrative disciplinary fines, issue  
23 written reprimands and admonishments, or perform any combination **of these**  
24 **actions**~~[thereof]~~.
- 25 (8) The board may seek injunctive relief in Franklin Circuit Court to enjoin violation of  
26 KRS 335.505(1).
- 27 (9) The board may grant retired status or inactive status to a credential holder under

1 conditions set out in administrative regulations promulgated by the board.

2 (10) ~~The board may employ persons as necessary to carry on its work and shall define~~  
3  ~~those persons' duties and fix their compensation.~~

4 ~~(11)~~ The board shall promulgate by administrative regulation a code of ethics for and  
5 standards of practice for all credential holders.

6 (11)~~(12)~~ The board may enter into reciprocal agreements with certified or licensed  
7 professional counseling boards.

8 ➔Section 199. KRS 335.520 is amended to read as follows:

9 (1) All fees and other moneys received by the board pursuant to ~~the provisions of~~ this  
10 chapter shall be deposited in the State Treasury to the credit of a revolving fund for  
11 the use of the board. The compensation of the board's members ~~and employees~~  
12 and all expenses incurred by the board shall be paid from the revolving fund.

13 (2) No part of this revolving fund shall revert to the general funds of the  
14 Commonwealth.

15 ➔Section 200. KRS 335.525 is amended to read as follows:

16 (1) The board shall issue a ***biennial*** "professional clinical counselor" license to an  
17 applicant who:

18 (a) Has paid the application fee and the appropriate examination fee to the board;

19 (b) Is of good moral character;

20 (c) Has received a master's, specialist, or doctoral degree in counseling or a  
21 related field from a regionally accredited institution;

22 (d) Has completed a minimum of sixty (60) graduate semester hours in the  
23 following:

24 1. The helping relationship, including counseling theory and practice;

25 2. Human growth and development;

26 3. Lifestyle and career development;

27 4. Group dynamics, process, counseling, and consulting;

- 1           5.    Assessment, appraisal, and testing of individuals;
- 2           6.    Social and cultural foundations, including multicultural issues;
- 3           7.    Principles of etiology, diagnosis, treatment planning, and prevention of
- 4                 mental and emotional disorders and dysfunctional behavior;
- 5           8.    Research and evaluation; and
- 6           9.    Professional orientation and ethics;
- 7       (e)   Has completed a minimum of four thousand (4,000) hours of experience in the
- 8             practice of counseling, all of which ~~shall~~~~must~~ have been obtained since
- 9             obtaining the master's degree and ~~shall~~~~must~~ be under approved supervision
- 10            and shall include but not be limited to a minimum of one thousand six
- 11            hundred (1,600) hours of direct counseling with individuals, couples, families,
- 12            or groups and a minimum of one hundred (100) hours of individual, face-to-
- 13            face clinical supervision with an approved supervisor. Each applicant is
- 14            encouraged to include as part of the total hours of experience a minimum of
- 15            ten (10) hours of direct counseling with individuals in a jail or corrections
- 16            setting. All applicants shall complete an organized practicum or internship
- 17            consisting of at least four hundred (400) hours; and
- 18       (f)   Has achieved passing scores on all portions of the examinations required by
- 19             the board.
- 20   (2)   The board may issue a ***biennial*** "professional counselor associate" license to an
- 21         applicant who:
- 22       (a)   Has completed all requirements under paragraphs (a) to (d) of subsection (1)
- 23             of this section;
- 24       (b)   Has not met the requirements of paragraphs (e) or (f) of subsection (1) of this
- 25             section; and
- 26       (c)   Has obtained a board-approved supervisor of record.
- 27   (3)   (a)   On July 15, 2002, a previously certified professional counselor in Kentucky

1 shall be entitled to use the term "licensed professional clinical counselor" and  
2 shall be issued a professional clinical counselor license upon~~an annual~~  
3 renewal.

4 (b) An applicant who has been issued a professional clinical counselor license  
5 shall be entitled to use the title "licensed professional clinical counselor."

6 (4) (a) On July 15, 2002, a previously certified professional counselor associate shall  
7 be entitled to use the term "licensed professional counselor associate" and  
8 shall be issued a professional counselor associate license upon~~an annual~~  
9 renewal.

10 (b) An applicant who has been issued a professional counselor associate license  
11 shall be entitled to use the title "licensed professional counselor associate."

12 (5) (a) A licensed professional counselor associate shall maintain ongoing  
13 supervision as approved by the board.

14 (b) A licensed professional counselor associate may apply for the credential of  
15 licensed professional clinical counselor upon completion of the hours of  
16 experience and passing the examinations required under paragraphs (e) and (f)  
17 of subsection (1) of this section.

18 (6) The application fee for licensure and the examination fee shall be established  
19 pursuant to an administrative regulation promulgated by the board.

20 ➔Section 201. KRS 335.535 is amended to read as follows:

21 (1) **An initial or renewed credential shall be valid for two (2) years.** Each credential  
22 holder shall pay to the board ~~a~~~~an annual~~ renewal fee on or before the renewal date  
23 established in administrative regulations promulgated by the board. All credentials  
24 not renewed by the renewal date each **renewal** year shall expire because they were  
25 not timely renewed.

26 (2) A person who fails to renew his or her credential on or before the renewal date shall  
27 be given a sixty (60) day grace period. During the grace period, the credential holder

1           may continue to practice and may renew the credential upon payment of the renewal  
2           fee and a late fee.

3       (3) All credentials not renewed within sixty (60) days after the renewal date shall  
4           terminate. Upon termination, the credential holder shall not be eligible to use the  
5           credential in the Commonwealth.

6       (4) After the sixty (60) day grace period, individuals with terminated credentials may  
7           reinstate their credential upon payment of the renewal fee and a reinstatement fee.

8       (5) A suspended credential shall be renewed as provided in this section, ***but***~~[-; however,]~~  
9           the credential holder shall not use the credential until the suspension has ended or  
10          has been removed by the board.

11      (6) A revoked credential may not be renewed. However, the credential holder shall pay  
12          the reinstatement and renewal fees as set forth in this section before the credential is  
13          reinstated.

14      (7) A person who fails to reinstate his or her credential within three (3) years after its  
15          termination may not have it renewed, restored, reissued, or reinstated. This person  
16          may apply for and obtain a new credential by meeting the~~[-current]~~ requirements of  
17          KRS 335.525.

18      (8) The board may require that a person applying for renewal or reinstatement of his or  
19          her credential show proof of having completed continuing education requirements.

20          ➔Section 202. KRS 335.610 is amended to read as follows:

21      The Kentucky Board of Licensure for Pastoral Counselors is hereby created.

22      (1) The board shall be composed of five (5) members who shall be appointed by the  
23          Governor~~[-to serve four (4) year terms]~~.

24          (a) Four (4) members shall be Kentucky licensed pastoral counselors actively  
25              engaged in the practice or teaching of pastoral counseling.

26          (b) One (1) member shall be a citizen at large who is not associated with, or  
27              financially interested in, the practice or business of pastoral counseling.

1 (2) **Subject to Section 16 of this Act,** all reappointments to the board and vacancies on  
 2 the board shall be filled by the Governor from a list of three (3) nominees for each  
 3 vacancy, submitted by the executive committee of the Kentucky Association of  
 4 Pastoral Counselors. In selecting the three (3) nominees to be submitted to the  
 5 Governor, the executive committee shall consider all nominations, including self-  
 6 nominations, from all pastoral counselors licensed under~~[the provisions of]~~ KRS  
 7 335.600 to 335.699.

8 ~~(3) No member shall serve more than two (2) consecutive terms.~~

9 ~~(4)~~ The chair of the board may not serve more than two (2) years.

10 ~~[(5) Each member shall serve until his or her successor is appointed and qualified.]~~

11 ➔Section 203. KRS 335.615 is amended to read as follows:

12 The board shall~~[meet at least twice a year. The board shall elect a chair at the fall~~  
 13 ~~meeting who shall serve a one (1) year term. The board shall]~~:

14 (1) Approve or deny applications for licensure submitted according to~~[the provisions~~  
 15 ~~of]~~ KRS 335.600 to 335.699;

16 (2) Approve the examination required of applicants for licensure, provide for the  
 17 administration and grading of the examination, and provide for other matters  
 18 relating to licensure in the profession of pastoral counseling as promulgated in  
 19 administrative regulations;

20 (3) Review the credentials of license holders to determine eligibility for license  
 21 renewal, including payment of fees authorized in KRS 335.625;

22 (4) License those pastoral counseling applicants who satisfy the requirements of KRS  
 23 335.600 to 335.699, including payment of fees authorized in KRS 335.620;

24 (5) Adopt a code of ethics for Kentucky licensed pastoral counselors by promulgation  
 25 of administrative regulations;

26 (6) Promulgate administrative regulations, in accordance with KRS Chapter 13A, to  
 27 implement the purposes of KRS 335.600 to 335.699;

- 1 (7) Investigate suspected violations of KRS 335.600 to 335.699;
- 2 (8) Institute and maintain actions to restrain or enjoin persons who violate the licensure  
3 provisions of KRS 335.600 to 335.699; and
- 4 (9) Submit an annual report to the Governor and to the Legislative Research  
5 Commission by September~~January~~ 1 of each year, listing all hearings conducted  
6 by the board, any decisions rendered, and a current roster of all Kentucky licensed  
7 pastoral counselors.

8 ➔Section 204. KRS 48.315 is amended to read as follows:

- 9 (1) The General Assembly may provide in a budget bill for the transfer to the general  
10 fund for the purpose of the general fund all or part of the agency funds, special  
11 funds, or other funds established under the provisions of KRS 15.430; 21.347;  
12 21.540; 21.560; 42.500; 47.010; 48.010(15)(g); 56.100; 61.470; 64.345; 64.350;  
13 64.355; 95A.220; 136.392; 138.510; 161.420; 161.430; 164A.020; 164A.110;  
14 164A.800; 164A.810; 216A.110; 230.218; 230.400; 230.770; 248.540; 248.550;  
15 278.130; 278.150; 286.1-485; 304.35-030; 311.450; 311.610; 312.019; 313.022;  
16 314.161; 315.195; 316.210; 317.530; 317A.080; 319.131; 320.360; 321.320;  
17 322.290; 322.330; 322.420; 323.080;~~323.190;~~ 323.210; 323A.060;~~323A.190;~~  
18 323A.210; 324.286; 324.410; 325.250; 326.120; 327.080; 330.050; 334.160;  
19 334A.120; 335.140; 342.122; 342.480, etc.
- 20 (2) The transfer of moneys from the agency funds, special funds, or other funds to the  
21 general fund provided for in subsection (1) of this section shall be for the period of  
22 time specified in the budget bill.
- 23 (3) Any provisions of any statute in conflict with the provisions of subsections (1) and  
24 (2) of this section are hereby suspended or modified. Any suspension or  
25 modification shall not extend beyond the duration of the budget bill.

26 ➔Section 205. The following KRS sections are repealed:

27 216A.050 Terms of board members -- Consecutive terms restricted.

- 1 310.080 Licensure and certification until July 15, 1995, of applicants certified under  
2 prior law.
- 3 311.540 Meetings -- Officers -- Compensation.
- 4 311.882 Issuance of certificate before July 1, 2005.
- 5 311B.060 Powers of board.
- 6 312.045 Suspending member of board.
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